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BIENNIAL ELECTIONS.

BIENNIAL ELECTIONS.

OPINIONS AND ARGUMENTS

OF

Hamilton
EX-GOV. ALEXANDER H. RICE, *and others.*

EX-GOV. THOMAS TALBOT,

GOV. GEORGE D. ROBINSON,

EDWARD H. HASKELL,

HENRY CABOT LODGE,

EDWARD L. PIERCE,

NATHANIEL A. HORTON,

THEODORE C. BATES.



BOSTON:

PRESS OF ROCKWELL AND CHURCHILL,

No. 39 ARCH STREET.

1886.

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1887

June 25,

Gift of

Dr. J. A. Green,
Boston.

BIENNIAL ELECTIONS.

Extract from the Inaugural Message of Ex-Gov. Alexander H. Rice to the Legislature of 1878.

“While it may not be disputed that both the theory of our government and the purity of its administration require the frequent return to the popular suffrage of the authority thus delegated to the executive and legislative departments, it may be equally consistent with the public safety that the measure of this frequency shall depend somewhat upon the character of the population, the maturity of civilization in a State, and upon considerations of public convenience and economy. With a present population of more than 1,600,000 people in Massachusetts, largely inheriting the principles and traditions of intelligent and virtuous ancestry, with the institutions of the State well established, its civil policy substantially settled, and its laws matured and tested through the experience of more than two centuries, it may be worthy of consideration whether a constitutional amendment to prolong the tenure of the executive and legislative offices of the government is not now expedient, and likely to be highly beneficial.

“It is impossible, and would under any circumstances be undesirable, that the election of the principal officers in the government of any State should fail to create more or less popular excitement; but it must also draw large classes for a time away from the common pursuits of life, incur expense of time and money, and, by too frequent recurrence, throw into the whole matter of government the association of chances and instability. It may also be feared that measures of public policy wisely determined, but difficult of immediate comprehension by the people at large, are sometimes submitted to popular approval before they have been either intelligently understood or their merits practically tested. A prolongation of the term of office would help largely to overcome the evils arising from haste and inexperience in public affairs, and would bring us into conformity

in this particular, with other populous States whose laws and practice have seemed to justify such a tenure. In recommending for your consideration the necessary provision for a tenure of two and three years for the House of Representatives and the Senate respectively, and of three or four for the Executive of the Commonwealth, I do so with the greater freedom, because of my own final retirement from this office at the close of the present year. I am disposed to go even farther, and to recommend that there shall be only biennial sessions of the Legislature, and to advocate a corresponding increase in the tenure of office for the members of the respective branches. Such a change would not only secure still greater economic advantage, but would, I believe, prevent much of the evil of special and temporary legislation and strongly tend to embody all needful enactments in general laws, which would be better obeyed because they would be better understood, and to which all the purposes and interests of the people would conform with greater assurance of stability."

Extract from the Inaugural Message of Ex-Gov. Thomas Talbot to the Legislature of 1879.

"There is a growing feeling among the people that frequent elections unsettle the public mind by the attendant excitement; that they interfere with business, create deplorable animosities, and occasion a needless waste of time and money; furthermore, that annual legislative sessions are a heavy draft upon the treasury, and offer by their length opportunities for projects of doubtful utility, which are annually pressed by their promoters in the hope of ultimate success. They tend also to cumber the statute books with crude laws requiring interpretation by the courts, and often speedy amendment or repeal. The people want clearness and permanence of law. They are annoyed and perplexed at its amount, its obscurity, and constant change. The same causes hinder greatly the officers of the departments in discharging their public duties. In deference to this public sentiment, I recommend that the question of biennial State elections, with a legislative session in alternate years, be referred to the judgment of the people."

**Extract from the Inaugural Message of Gov. George D.
Robinson to the Legislature of 1886.**

“ Although the Executive takes no part in the consideration of propositions to amend the Constitution, it may not be deemed an improper interference with legislative functions if he express his views upon so important a subject. By reference from the last Legislature you will be called upon to say whether you will permit the proposed amendments to go to the people for their decision. It is undoubtedly the constitutional prerogative and duty of each member to vote upon such proposition as his judgment shall dictate; but, as a reasonable element of such determination, no question of morals or of right being involved, consideration may well be given to the very general interest in the subject, and the manifest desire of the people to decide whether the State elections and the sessions of the Legislature shall be biennial or annual. Thirty-six of the thirty-eight States of the Union have abandoned the annual-election system, and thirty-three have also adopted biennial sessions of their Legislatures. None have returned to their former custom. Only Massachusetts and Rhode Island choose all their State officers each year. It is impossible to believe that so vast a majority of the people of the country, of every condition, irrespective of party predominance, can have adopted a system that accomplishes a destruction of their liberties, or a subversion of their rights, and yet have attempted no measure of restoration of the earlier system.

“ It is not without striking significance that in every Legislature which has acted upon this question in this State, the members coming freshly from the people, the proposition has but narrowly failed of adoption.

“ The arguments for and against the wisdom and policy of the proposed changes are quite too familiar to require restatement. The question is eminently a popular one, and it will not be authoritatively settled until the people have had the opportunity to express their judgment upon it at the ballot-box.”

**Argument of Edward H. Haskell, of Gloucester, before the
Committee on Election Laws, Feb. 10, 1886.**

MR. CHAIRMAN AND GENTLEMEN OF THE COMMITTEE: — I am here for the purpose of presenting to you some considerations, from the affirmative side of the question, in behalf of the resolve now before your committee, providing for biennial elections of our State officers.

This resolve, which has been before our various Legislatures, and, in some sense before the people, for several years, has in that time, as you are well aware, received the affirmative support by a more than two-thirds vote of three legislative bodies, and has been rejected, by a few votes only, by their successors, and, although it has received the support of the body which preceded you, must again be indorsed by the body which you represent before it can be submitted to the people, — a constitutional provision which I believe to be not only eminently wise and just, but necessary to prevent ill-considered or dangerous legislation. For myself I do not yield to any one in my respect for the constitution which our fathers framed, or in appreciation of this very provision, which makes it necessary for two successive Legislatures to affirmatively pass upon any proposed amendments, and, certainly as far as I am aware, no advocate of this measure desires to take exception to this provision. I do not agree, however, with the position taken by some persons, that, in consideration of this question, the members of the Legislature should be governed solely by their own judgment as to its wisdom, without reference to the sentiments of their constituents or of the general public. I know this opens up a broad and unsettled question as to the precise relation of a representative to his constituents and to the public welfare, and one which it is not my purpose to discuss at this time; but I have always held that, where there is a clear and well-defined opinion on the part of the people, that has had repeated expression, it is the duty of the Legislature to heed such expression. No better authority upon this point could we have than was expressed by our most esteemed ex-Governor Long, in his message of 1880, in which he says: "I have questioned the expediency of such a change; but it is one on which public sentiment is growing, and should be submitted to the people for their final decision."

You will agree with me, I think, that our Commonwealth has no truer or better exponents of its public sentiment than it had in the

persons of two of our most esteemed ex-governors, Rice and Talbot, who also strongly recommended this measure, as well as a submission of the question to the people.

Certainly no better authority, as to the propriety or duty of legislators in passing upon matters of great public concern, can be presented than in these recommendations of our former governors, which are presented elsewhere.

Now it is fair for us to consider just here to what extent the criticism of the opponents of this measure of reform is true that there is no public sentiment in its behalf.

While it may be true that within the past few years but few petitions have been presented to your body asking for this change in our constitutional law, it remains true, nevertheless, that there is a strong public sentiment in this Commonwealth in behalf of this change. How is this shown? Not so much by the recommendations of the several governors who have recognized this public opinion, and who, I maintain, have not been in the habit of urging the adoption of public measures for which there was no public desire, as by the successive adoption of this resolve by several Legislatures, made up of representatives who have come directly from the people, some of whom have been charged by the resolutions of their constituents to support this measure, and the great body of whom have supported it because they knew it to be the desire of their constituents. If the friends of this measure felt it were necessary, or would more clearly demonstrate the duty of the Legislature upon it, I am confident that within a short time petitions from every town and city of the Commonwealth would be laid before you asking for the adoption of this resolve; but they have not felt it to be necessary, believing that no better indication of public sentiment can be had than in this fact, that, without organization, without appeal, without concerted action, the people, through their chosen representatives, have secured the passage of this resolve three several times by a more than two-thirds vote, and also nearly secured it on three other occasions, and further believing that no better indication of public sentiment can be found than in the attitude, most pronounced and decided, of nearly the entire press of the Commonwealth in its favor, without respect to political affiliations.

Does the press of Massachusetts usually misrepresent public opinion? Certainly no other measure that has been before our people for discussion has been indorsed by the press with such practical unanimity as this.

Now I know you will agree with me that whatever opinions may be expressed as to the precise amount of interest taken in this matter by our fellow-citizens there is but one way in which it is possible to get a more complete expression of public opinion than has already been had, and that is by a direct reference of the question to the people, as the Constitution provides, and I submit that the position taken by some of the opponents of the measure, that it is so thoroughly undemocratic, who at the same time assert that it should not be determined by the most democratic of all methods, is decidedly inconsistent.

Are the people not to be trusted in passing upon great questions of public policy in which they alone are most concerned? Or are they not competent to deal with it?

We are told, Mr. Chairman, that this change we are asking for is an infraction of the liberties of the people, an infringement of the bill of rights, and of one of the fundamental principles of our Constitution, and is to be regarded as a dangerous innovation upon our established system in removing from the people the opportunity of frequently calling to account their public officials.

Now, for one, with all deference to the elaborate opinions which have been volunteered upon this point, and for the authors of which I have the most profound respect, I do not so regard it. I do not believe that by the adoption of this policy any fundamental principle of our Government is to be violated. I consider it to be simply a question of public policy in the administration of our State affairs, and I feel that I have warrant for this opinion, and am fortified in it by the position taken by the advocates of this measure, in the great majority of States of the Union, who have wisely made a change in their policy in this respect. While I am willing to give due consideration to the sentiments which have inspired this line of arguments, let us not make the mistake of determining this important question from the stand-point alone of sentiment. We have heard a great deal of late of the opinions and intentions of our fathers in constructing our first Constitution, but you will agree with me, I think, that the descendants of these early patriots, in many of the original States, appreciated as keenly as do these who now profess to speak for them the priceless blessings of constitutional liberty, and the safeguards which were necessary to keep the administration of their affairs in the hands of the people, and to have such administration returned to them as often as necessary; and yet these same original States, with but two exceptions, have since declared in favor of the biennial system.

This does not indicate that they considered their fathers were wrong, but that political conditions had changed. Our fathers, in constructing their first government, built it according to their best judgment, and with relation to their then present, and what they thought would be our future, political needs. It was largely an experiment, the value of which was to be determined by time and experience; but time and experience, and changed political conditions, and the gradual perfection of their frame of government brought them to a point where it was found not only eminently feasible and practical, but best to remodel and amend their original constitutions in the interest of the common welfare. And one of the changes in this reconstruction of their State Governments, and one which it was honestly believed was for the public welfare, was a change in their policy as regards the frequency of their elections, and of the convening of the Legislature; and in the light of the fact that State after State has followed each other in the adoption of the biennial system, until it has become the policy of nearly all the States of the Union, who shall say that they were all wrong, and that we alone are right?

Can we properly charge those who were instrumental in effecting this change, in the original States, with recreancy to fundamental constitutional principles?

Let us look at this point a little closer, in the light of this phase of the protest against a change, as seen in our own history. The bill of rights declares "that the people shall have the right, at such periods and in such manner as they shall establish by their frame of government, to cause their public officers to return to private life, and to fill such vacancies by certain and regular appointments;" and again it also declares, "that the people alone have an incontestable, inalienable, and indefeasible right not only to institute a government, but also to reform, amend, or totally change the same, whenever their protection, safety, prosperity, and happiness require it." In other words, whenever the public welfare may require it. Now it seems to me that this question largely resolves itself into this, and must necessarily do so: What does the public welfare, at the present time, require, as to the frequency of the election of our State officers, and of the assembling of the legislative body?

As I have said, no one doubts the wisdom of our fathers in drafting their Constitution, as no one doubts their wisdom in making provisions for amending that instrument, and the very fact that this provision was made shows that our fathers anticipated that changes would be necessary, and in the determining of this question, not only

in the original States which shared with ours in the construction of the first State Governments in America, but in the later ones, the most important factor has been to determine just what the common welfare and public good might require.

In our own State, in pursuance of this very principle recognized by our fathers, and in the exercise of the privilege afforded, our Constitution has been amended in some twenty-six particulars and, with but few exceptions I submit that such changes have clearly been in the interest of a better government and of a better administration of our affairs, and the friends of this proposed measure of reform believe that, in the light of our experience, and of the experience of other States, a change of policy from our present annual system to the biennial will also be a change for the better. Let me refer briefly to one of these changes made, providing for the election and tenure of our county officials and district attorneys, which now varies from three to five years. Do the people of the State feel that they are abridged of any of their rights, or that it is in any sense necessary that these officials should be elected annually? On the contrary, public sentiment in this State most decidedly approves of this longer tenure. In an argument which it was my pleasure to contribute to the discussion of this question before the Legislature of 1884, I took the position that, in my judgment, the public welfare did not require the continuation of our present policy, and that, inasmuch as there was no violation of any fundamental principle of our government in making the change, and as there was a strong public sentiment in favor of it, and, furthermore, as it had clearly been shown by the results elsewhere that such a change was in the interest of a better and more economical government, it was our duty to make this change. The conclusions which I arrived at at that time, and which were the result of a study of this question, and of my own experience in several political campaigns, have only been confirmed by more recent investigations and important cumulative testimony and statistics from States which have adopted this system.

Now, with all respect to the opinions that have been recently expressed, that, because other States have adopted the biennial system, we are in no sense bound to follow them, I wish to say that with me it does count for something that all of the original States, with but two exceptions, and nearly every other State in the Union, have not only adopted the biennial system, but, after a thorough trial of its merits, have decided to continue that policy. It does count for something with me that not only the heads of great industries and prominent manufactures but the great mass of the people as well give it

their unqualified indorsement. To me the testimony of the governors and prominent public officials of those States, who have made a careful study of this question, so far as results are concerned, is of great value, as is the greater and more important fact that in all of these States there has been no movement whatever in favor of returning to the annual system; and while I may not read to you, as time will not permit, and as they will be presented to you in print, the testimonials which have come, and are coming to us, from every quarter, of the highest authority, in behalf of the biennial system, in view of recent expressions from our neighboring State of Maine, from one whose opinion we very much respect, I cannot allow the opportunity to pass without calling your attention to the fact that, in passing upon this question, the people of Maine, by a vote of 92 per cent. in favor to only 8 per cent. against, gave it their most unqualified approval.

Now I am an advocate of the biennial system, because of the unnecessary waste of time, energies, and means demanded, not only from our active business men but from all classes of our citizens as well, by our present annual system of elections; for, while it is true that these demands and exactions come to many who can well contribute of their time and means to keep up an annual canvass, to the great mass of our people, who are unable to make this contribution, it comes with an especial hardship, which is all the more severe because unnecessary. The chief purpose of government, I hold, clearly is to keep the peace and to enable our people to attend as far as possible to their private affairs; and while it is most desirable that elections should be held as often as the common good may require, it can fairly be claimed that too frequent elections are an unnecessary increase in the friction of government, and are not conducive to the best political health, and that the exactions and demands made upon the public so often are not justified by any corresponding increase in the ratio of benefits received.

It may be said that there is no necessity for any man to devote any considerable part of his time to political duties, and the necessity may not seem apparent; but it remains true that every citizen who loves his State ought to devote a certain time, and must, under the present system, devote considerable time, to the faithful and intelligent performance of his political duties as a citizen, unless he wishes its government to fall into the hands of incompetent and unscrupulous men. Our political journals are constantly urging, and very properly too, that our citizens should neglect no part of their political obligations; that all primary meetings should be attended, in order that the best men shall be selected as representatives; and this duty can-

not safely be neglected, nor ought it to be. But when we come to realize just what this means, — that he is expected to attend all the caucuses of his own party, to assist in the selection of delegates to the various town, municipal, representative, senatorial, county, councillor, Congressional, and State conventions, — we begin to comprehend something of the exactions referred to; and when we farther consider that, in addition to this, he is expected to intelligently inform himself as to the issues presented by both parties, to attend all public discussions, to contribute his share to the general expense, no wonder that occasionally this proves too much for his patience, and the result is the shirking of his political duties. And this shirking is practised in this State to an extent that we hardly realize, but more especially on what are termed the off years of our elections.

As a matter of fact, our people care much less for the opportunity of annually exercising the right of suffrage than has recently been made to appear, and the political statistics of our State not only emphasize this political indifference but show conclusively that, during the last sixteen years, upon what are termed the off years of our elections, or the years in which our State officers alone are elected, the percentage of votes cast has been not 50 per cent. of our registered voters, while upon the years in which Presidential and Congressional elections have been held the percentage of votes cast has been 70 per cent. of our registered voters and it can be fairly claimed that; had it not been for the personal canvass of Gen. Butler for the governorship on two of the off years, the percentage of votes thrown would not have averaged much over 40 per cent. of our registered vote. Can it be honestly claimed, in view of this showing, that annual elections are necessary, or are desired by our people?

I am an advocate of biennial elections because I believe that one of the results of their adoption will be to secure a greater expression of interest and a larger attendance at the polls than we now have, inasmuch as it is very clearly shown by the experience and political statistics of the States which have less frequent elections, and in many of which the ratio of population is not as dense as our own, or the facilities for voting as perfect as our own, that the percentage of vote cast is greater than in our own State.

Now it seems to me that this is a very important point in the consideration of this question. If it were true, as has been repeatedly claimed recently, that this change in our system would have the effect of weakening the interest of our people in their public affairs, it would constitute a strong reason in favor of our continuing our present system.

But it is not true. On the contrary, the reverse of this is true, that a larger and fuller expression of the people in public affairs, as seen by the attendance at the polls, is shown in those States which have less frequent elections.

The statistics of the States of Pennsylvania, New Jersey, Delaware, Maryland, Indiana, Illinois, Michigan, Wisconsin, Kansas, Kentucky, Virginia, Tennessee, Missouri, North Carolina, and Texas, which elect their governors and principal State officers either every two years, or less frequently, show that during the past twelve years the percentage of votes cast at the Presidential and national elections has averaged as follows: In 1876, 82 per cent.; in 1878, 78 per cent.; in 1880, 84 per cent.; in 1882, 82 per cent.; and in 1884, 90 per cent. of their voting population. (And it is farther shown, in these same States, by reason of the fact that their State officials are very largely elected at the same time as their national officers, precisely what we are asking for to-day, the opportunity of uniting our own elections, that the average vote thrown equals that cast for national officers, and, so far as statistics are obtainable, where elections of State officials are held on other years, the vote has averaged somewhat below this; while the statistics of our own State, in which the facilities for voting are unequalled, and with the greater part of our voting population located in the cities and large towns, the average vote cast has been but 60 per cent. of our voting population at the national elections and but 40 per cent. at our State elections, or in what we term the off years.)

These statistics have been taken from the different sections of the country, from States which not only represent a variety of political surroundings but whose elements of population are of a mixed character, as well as from States some of whom, at present have, and others until recently have had, either a poll-tax prerequisite, or some restriction of an educational or other character, which may operate, in some slight degree, as it does in our own State, to prevent every male citizen, of the proper age, from exercising the right of suffrage; for my own experience has demonstrated, — and a study of this matter closely will bring us all to the same conclusion. — that none of these restrictions operate, to the extent claimed, against a comparatively full representation at the polls, if the people care to go. (A study of the vote of Pennsylvania, Delaware, North Carolina, Tennessee, and Virginia, all of which have had a poll-tax prerequisite during this period, will show conclusively that it has not operated to any appreciable extent in reducing their vote.

While I am in favor of the removal of the poll-tax prerequisite, and have been for some years, it is not because I believe it operates as an injustice to the poorer classes to the extent claimed, but because I consider it wrong in principle, and contrary to the spirit of our institutions, and also because of the manner in which its original purpose has been perverted.

The census returns of 1875 and 1885 in our own State show so large a percentage of legal voters to population that if each citizen who has the right exercised it we should make as favorable a showing as the other States. The very low percentage of votes cast in Massachusetts does not arise from the poll-tax restriction, but from the fact that because of too frequent elections so large a number of our people, in the first place, will not complete the qualification necessary, and, in the second place, will not go to the polls even when they can, as the absence of so large a number of voters each year abundantly shows.

There is another point raised by the opponents of this measure, to which I wish to refer briefly, and that is the claim that frequent or annual elections are of great value as educators of the people; and great stress has been laid upon the importance of annual discussions of matters of State policy.

Now, as a matter of fact, how much discussion do we generally have in what are called the off years of our elections? Is it not true that it is a part of the established policy of the people of this State to practically give our governors a three years' term when we can elect them? We certainly have done so, with but two exceptions, from Gov. Banks to Gov. Robinson.

Do any of you recall the political canvass of the years in which either of our estimable governors were renominated for a second or a third term and can you name any great questions of State policy that were discussed in these campaigns, with perhaps one or two exceptions? Has it not been a commonly accepted rule that at all such reëlections public discussions upon State matters are unnecessary, or are not to be expected, and has not the work of your political committees been largely confined to looking after the organization and dragging people to the polls, whatever public interest there is being centred about the local nominees? Why, I pretend to say, that if it were not for the interest that centres about the election of the representatives of the people we would be unable to cast over thirty per cent. of our registered vote in these off years!

Senator Hoar, in his elaborate and thoughtful address upon this question, alludes to the great value to our people of the discussions

in the campaign of 1878 upon the important matter of a sound currency; but this was a national rather than a State issue, and the campaign of that year was fought as much to secure a solid delegation to Congress, who would fitly represent the best sentiment of Massachusetts on this great question, as to secure the election of a chief magistrate at home, who would represent the same sound principle; and no better illustration has been afforded of the possibility of conducting a national and a State canvass at the same time than was so conspicuously illustrated in that memorable campaign.

Farther than this, looking back over the years in which it was my fortune to be associated in the management of several of our recent campaigns, and recalling the continued appeals from local committees for orators of great abilities, and of national renown, to discuss national issues, to the exclusion of many of our own worthy and competent public speakers, and to the exclusion of State topics as well, on the ground that the people did not care enough about our own affairs or were too well satisfied with our State administration to come out to hear them, and in view of our experience, after the most persistent efforts on the part of our political organizations, of getting but a little over one-third of our voters to the polls, it does not seem that the point is well taken that from the educational stand-point our people will be the losers by the adoption of the biennial system.

Now there is another point to which I shall allude, which has apparently caused some uneasiness, and that is the political results that may follow the adoption of this measure; and I regret that, in the least sense, this should be considered from a party stand-point, for I maintain this is not a party question.

The history of this movement for the adoption of the biennial system shows that, while it has been regarded at the time of its introduction for discussion in some States, as a Republican measure, and in others as a purely Democratic measure, it has ultimately been adopted in all the States, independently of party considerations, as an eminently wise and economical measure of reform in the administration of State affairs. And in our own State, from the time it first came to be discussed and acted upon, it has received, as the records abundantly show, and does now receive, the cordial indorsement of many of the leaders and prominent party men of both political organizations, who believe, as has been so thoroughly demonstrated, that such a change in our policy will be not only in the highest and best sense in the interest of our people, but in the interest as well of the administration of our public affairs upon more economical principles.

Speech of Henry Cabot Lodge before the Massachusetts Club, Nov. 28, 1885.

No one who has ever given any thought to the matter can deny that any change in our State Constitution is a subject demanding serious and careful reflection. Under that instrument, now more than a century old, Massachusetts has prospered, and has enjoyed an amount of good government which no other community can surpass. — The wise conservatism which has retained the original Constitution during all these years with comparatively few amendments has shown by its practical success the soundness, adaptability, and strength of the fundamental principles of our frame of State government. But while no reflecting man would wish to alter the Constitution in essentials, or to substitute for it a new form, yet the passage of time has rendered occasional changes in details necessary not only for good government but for the maintenance and preservation of the Constitution itself. Arrangements which suited admirably a scattered community of a few hundred thousand in 1780 are often utterly unfit for a dense population of two millions.

An amendment of the Constitution to permit biennial elections is a change in details such as I have described, and its adoption is simply an administrative question. It is impossible to make it a moral issue, nor ought it to arouse any passion on either side. It is a mere business question of good government and improved administration. Objections based on any other grounds seem hardly worthy of serious consideration. For instance, I have heard it said that it was dangerous to our liberties to have biennial elections or biennial sessions. If our liberties rest on such a frail foundation, and have only such a weak protection as annual elections, they are so near extinction that they are not worth fretting over. Our liberties are founded on something very different, much more lasting than any set of forms can be. They rest on the habits and traditions, the character, intelligence, and desires of the people, and constitutions and governments are but the expression of the popular thought and disposition. So far as our liberties are concerned they are perfectly safe while the people of Massachusetts and of the country are what they are, and it makes no difference to our rights and liberties whether we elect a governor and Legislature every week or only once in ten years. We could make either work, and with either we should be perfectly safe. Moreover,

biennial elections prevail in nearly every other State in the Union, and I am not aware that any man's liberties have yet been endangered, for example, in Illinois or Iowa, in Maine or in Vermont. It certainly is not necessary to argue farther on this point.

Then there is what may be called the sentimental argument to the effect that annual elections are a good old New England custom and tradition. This is perfectly true. So was taxing the whole people for the support of the Orthodox Congregational Church a good old New England habit and custom, but we have outgrown it, and I think we have outgrown annual elections as well. When the Constitution of the United States was formed at Philadelphia, in 1787, the New England members were all for the traditional annual election of their native States, and Mr. Elbridge Gerry, of Massachusetts, and other members from the East took a very dismal view of the prospects of the new government, with representatives elected for two years, and senators for six. Yet the government of the United States has worked on the whole better than any other frame of government in the world, and, whatever its defects, from the day when the Philadelphia Convention closed to this, there has never been any complaint that the terms of senators and representatives were too long. Criticism in this direction has usually been of an opposite nature and has urged the lengthening of the representative's term.

Then comes the educational objection, which is to the effect that elections have an educating influence upon the community, and on this account ought not to be made less frequent. There can be no question that popular elections, when vigorously contested, and with a general interest aroused, are educational. But the difficulty is that if elections are too frequent, public interest flags and dies away, and then there is no educational effect at all, for the great mass of the people pay no heed to what is going on. Moreover, the talk and speech-making and controversy, which are the only educational incidents owing their existence solely to elections, are insignificant in their influence as compared with the work of the press. It is the daily discussion carried on by the press, year in and year out, which slowly but surely makes public opinion and educates all of us as to public questions. Indeed, speeches are chiefly valuable because the press gives them to thousands of readers. The educational value of elections, in a word, exists solely in the amount of public interest which is excited. It is that which leads men to read the newspapers and the speeches, and to inform themselves on the issues of the day, and in this way take a proper and active share in the work of the

elections. But if a general public interest is not aroused, the educational value of the election is lost, and a too great frequency of elections is sure to deaden public interest, as we all know from experience.

Let us now take up the question on its merits as a measure of administrative reform.

The interval at which elections should be held is of course purely a question of expediency. If frequency in itself were a good and desirable thing, then we ought to have a State election every month at least. But no one advocates this. The warmest opponent of biennial elections would say if you were to urge monthly elections that that would be too often; that the continuity and coherence of legislation and government would be impaired; that administration would be difficult and defective, and that politics would fall wholly into the hands of the most undesirable professional politicians. It is clear, therefore, that there is no merit in frequency as such. The line wherever drawn is a purely arbitrary one, and whether it is at one year or two years is merely a question of degree determined wholly by considerations of expediency.

What, then, are the considerations which make biennial preferable to annual elections? In the first place, it may be laid down as an axiom that under our form of government it is of the highest importance to obtain at elections the fullest possible expression of the popular will, and also the fullest possible participation of the most intelligent and most industrious classes in the community. Only in this way can the best results be obtained and the well-being of our system be most securely guarded. Beyond a certain point frequency of election prevents this expression and this participation which are so essential and so desirable. We see the result even in the vote of what are called "off-years;" that is, we see it every other year unless there are exceptional circumstances. The total vote falls off by thousands. Then of the votes cast thousands are thrown by men who have confined their political activity and interest to this single act of depositing the ballot. In reality, in such years, — and they come round here and everywhere else pretty regularly and pretty near together, — a few thousand men conduct the whole campaign from the primaries to the polls. This is not wholesome, and although it may very often have no bad results, it cannot work well in the long run. The great body of the people whom it is especially desirable to have active in politics are busy with their own affairs, and by attending to them are promoting the prosperity of the country.

These industrious, intelligent voters, it is said, ought to come out and attend to their political duties. Very true. But undue demands should not be made on them; and if such demands are made they will not come, for systems of government are made for men, not men for systems of government. Frequency of elections tends to keep the great body of our people out of politics about half the time, and, of course, tends also to throw the conduct of politics into the hands of men who live by them, and take part in them in order to make a living. The life of to-day is too busy, the interests are too manifold and too pressing, to permit the mass of the people to give a month or two every year to political duties. They simply will not do it. If biennial elections are established, we get rid of the off-years, and by having an election only every other year public attention is aroused, the great body of the people takes an active interest, which is sharpened by the relief of a year's rest; they participate more in the campaign from the caucus to the ballot-box, and that full expression of the popular feeling is obtained which is more essential than aught else to the welfare of the State.

The second point to be considered is the effect upon legislation and administration. One trouble with our Legislature, indeed the most fruitful cause of mistakes, and still more of delay, arises from the large number of new and inexperienced members returned in each year. As a rule, a legislator, other things being equal, is of value to the people in exact proportion to his experience. Owing to the evil and rigid custom of rotation there are many districts in this State where no man is allowed but a single term. Under the biennial system the length of this term would be doubled in such districts. In the vast majority of the remaining districts it is customary to give a man two terms, and we cannot doubt that this would continue to be the case, for at least one indorsement commends itself to the general sense of fairness and propriety. Biennial elections, therefore, in districts of this second class, would raise the term from two to four years. It would practically make every senatorial term at least four years, and the net result in the whole Legislature would be, roughly speaking, a doubling of all terms as they now exist. This lengthening of legislative service, every one will admit, could not fail to have a beneficial effect upon the work of legislation. It would make it speedier and better, and would be a great and direct benefit to the people.

The biennial election would have a similar effect upon the Executive Department. By it the term of the governor would be raised

from two or three to four years at least, and the chief magistrate would get rid of the care and worry of two elections in that period. The change would leave the Executive much freer to devise, formulate, and carry out a matured policy in regard to State matters than he now can be with a political campaign staring him in the face less than nine months after his inauguration.

The third and last point that I shall make is in regard to the waste of money directly and indirectly and the needless disturbance of business consequent upon too frequent elections. Even in an off-year the amount of money spent by all the candidates and committees on both sides is very considerable. In the quietest State campaign not less than \$50,000 is expended on both sides. Very little, I believe, is spent improperly, but a large part of it is wasted, and none of it does any particular good. The expenditure of money, to a certain extent, is of course necessary to carry on any campaign, but if needless outlay can be cut off and the cost reduced nearly one-half in each four years it is a matter worth considering. But this is merely the direct expense, which is at best trifling. In a thousand ways the quietest election involves more or less loss of time and money and more or less disturbance to every business man and every working man throughout the State. The sum of it all is very considerable. No one grudges time and money when there is real need of them for the public welfare and for the cause of good government; but men do grudge them when the occasions are needlessly multiplied; and the too frequent occurrence of elections tends in this way to deaden and dull the keen and active interest which all ought to take in public questions and in the choice of public officers.

Much might be said on the results of the system of biennial elections now prevailing in nearly all the other States. Suffice it to say that none which have adopted it have returned to the annual system, and neither in the other States nor in regard to the National Government do we hear of any difficulty arising from the abandonment of annual elections, nor of any loss in the sense of responsibility among those elected to office. The question which is sometimes put in this connection — "Would you have the government of such and such a State, instead of that of Massachusetts?" — is mere sophistry. The real question is, Will the change tend to improve our own administration? There is no other involved.

I have advanced a few of the general arguments in favor of the change; but there are others equally convincing. Those here put forward, however, seem to me sufficient. I believe a change to the

biennial system will tend to a fuller expression of popular opinion, and to a more general and active participation in politics than is possible with annual elections. The change will also, I believe, improve the character and quality of our legislation and administration, and finally will be a saving of time and money, and a great relief to the business community. I utterly fail to see any possible harm that can come from the change, while I do see the promise of real and substantial good. On these grounds I have advocated the amendment. It is in no sense a party or a personal question, and there is neither personal nor party interest involved in it. I hope to see it sent to the people by the votes of members of both parties in the present Legislature. I have no question as to its overwhelming adoption if it once reaches the people, and once adopted there will be with us, as with our neighbors, no turning back.

**Argument of Edward L. Pierce before the Committee
on Election Laws, Feb. 4, 1886.**

The biennial question pending before the Legislature is one altogether practical and business-like — whether, under biennial or annual elections, we can secure the best legislation, wisest and most complete in itself, enough in amount, and not too much of it; how, also, we can obtain the truest expression of popular opinion, diminishing in our elections, as far as may be — and extirpating if we can — corrupting influences and an unnecessary expenditure of time and money. The controversy does not call for high-wrought rhetoric or intensity of expression, or even for historical research; least of all for appeals to class prejudices or an attempt to excite bad blood among the people. It is emphatically a question for our day and time, to be decided by the understanding, with the best light we can get from contemporary and recent experience. So exaggerated have been the language and tone of the opponents of the measure that they would have in store no unused vocabulary of warning and dread, if, instead of plain citizens asking for the adoption of a method now working well in other States, there were a band of conspirators, plotting for a monarchy or aristocracy.

The measure of biennial elections is important with reference to practical ends; but it is not radical, fundamental, or revolutionary in character. It does not abolish any of the three departments of the government; it does not add to, or subtract from, the powers of any of them; it attempts no interference with the basis of political power.

The opponents of the biennial measure have insisted, or assumed, that the work of our fathers in 1780 must be left untouched. We revere the founders of the Commonwealth as much as they, but we believe that reverence for them consists in perfecting their work and adapting it to new conditions. The property qualification for voters and public officers which they established has long since been swept away. Thirty years ago we adopted a radical amendment, which abolished town representation. In 1853 we had a constitutional convention, voted for by Mr. Hoar as a member of the Legislature, which attempted still more radical changes, one of them abolishing the life-tenure of judges and substituting a ten-years' term. The project of this convention, though not approved by a

popular vote, received the sanction of the late Charles Allen, and of the voters of Worcester more than two to one. We believe, with Gov. Robinson, that Massachusetts, while travelling the old ways, ought not to stand still, and that we should be men of to-day and of the future, as well as of the past. One gentleman, warning us, in a speech distributed in the Legislature, against any amendment whatever of the Constitution, calls attention to one, carried finally in 1859, and some years later repealed, which postponed the right of a naturalized citizen to vote until two years after his naturalization, and calls the provision "infamous." That measure did not meet my views; and I was active against it by pen and speech, thinking it then, as now, unwise, and creating an unnecessary discrimination; but it was not "infamous." It was first proposed as a means of checkmating far more radical changes, which postponed the right of emigrants to vote till after fourteen, or even twenty-one, years of residence. Its author, in the Legislature of 1857, was Erastus Hopkins, the Free Soil leader of western Massachusetts, father of a distinguished lawyer of Worcester. To his report are signed the names of the late Oliver Ames and the late Oliver Warner. The proposition was favored by Henry Wilson, whose letter to myself approving it is preserved. Later, when in 1859 it was found likely to disturb the German Republicans of the West, some who originally sustained it exerted their influence against it. The people, however, put it in the Constitution because they believed in it, and they took it out a few years later because they believed the exigency had ceased, in each case exercising an undoubted right. But whatever were the character and history of the measure, it was not "infamous." Erastus Hopkins was never the author of an "infamous" proposition; Oliver Ames and Oliver Warner never signed their names to an "infamous" proposition. Nor have the people of Massachusetts ever sanctioned an "infamous" proposition. The reference to the amendment of 1859 is but one of several irrelevancies and extravagancies introduced into this discussion. It has no place in it, unless those who recur to it mean to point to it as a warning against any future amendment of the Constitution. It is sufficient to answer that since 1859 repeated changes have been made, as in 1860, 1877, 1881, and 1885, with no protests from gentlemen who now bid us beware of any departure from the old ways. It is curious to note that all the leading opponents of the biennial amendment are strenuous advocates of other amendments — for instance, those relating to woman suffrage or the poll-tax. They quickly lay aside their reverence for John Adams, "the consti-

tution of 1780," and "the plan of the fathers," when they have in mind some favorite amendment of their own.

The position has been taken by the opponents, on purely verbal and technical grounds, that a member of the Legislature cannot, without a violation of duty, vote to submit the proposed amendment to the people, in deference to a popular demand. Heretofore, when the question was not one of conscience or human right, it has been supposed to be the duty of the legislator to include, as a very important element in his decision, the public judgment and the public will. The Constitution requires a certain proportion of the senators and representatives to "agree to the submission of an amendment," and a strained construction is put on the word "agree." Agreement may consist in united action, as when "I agree with mine adversary quickly," without surrendering my conviction that I am wholly right. The constitutional word means only that a certain vote is required, without dictating the grounds on which the vote is to be given; and least of all does it undertake to exclude from the mind of members a decent respect for the opinions of the people. The strained and unnatural force which is claimed for the word "agree" would, if applied to the stronger word "approve," compel the Governor to veto every bill which he would not promote as a citizen, or vote for as a member of the Legislature, whereas he signs almost daily bills which he would vote against as senator or representative, reserving his veto for exceptional cases, and in others paying respect to the judgment of the Legislature. In all this there is nothing weak or unmanly, still less anything which involves breach of trust. It is what fair-minded men constantly do in legislative and political bodies and in all human dealings. Gov. Long, in his message of 1880, though questioning the expediency of the change, said that it was "one on which public sentiment has been growing, and should be submitted to the people for their final decision." The pamphlet referred to adds to his speech before the Massachusetts Club a paragraph not included in that speech, in which he pronounces the recommendation of his message, when adopted by others, "to proceed only from gross ignorance and dishonesty" and to be "a stupid and dishonest fallacy." I leave him to explain the consistency between his message and the postscript of his speech. Certainly I shall not apply to him the hard words which he applies to others who propose to follow his earlier advice.

Among the phrases without substance or meaning which have been thrown into this discussion is the statement that elections should

come annually because the year is "the unit of time in the natural world, in the commercial world, in the agricultural world, in the world of crops and of trade." Is there any such unit? and if there were, what relevancy would it have to the pending question? What connection is there between legislation and planetary periodicity? between crops of cabbages and crops of statutes? What is meant by a 'unit' in the commercial world it is difficult to see. Merchants take accounts of stock sometimes yearly, sometimes semi-annually; bills are sent out monthly; statements, exhibits, and returns are made yearly, quarterly, monthly. No such unit is followed in the election of President, senators, and members of Congress, or in most of the States in the terms of the members of the Legislature, and other officers; and even in our State it is discarded in the terms of certain county officers. Madison, in the "Federalist," No. 53, when treating of the question between annual and biennial elections, said that "no man will subject himself to the ridicule of pretending that any natural connection subsists between the sun or the seasons and the period within which human virtue can bear the temptations of power." But Madison did not foresee the hardihood of assertion which is too familiar to this discussion. The idea of "a unit of time," which in itself calls for an election without reference to the practical need of it, is a mere fiction of the imagination.

A favorite mode of reply to the argument for the biennial method, which has not the merit even of plausibility, is that, if the advantage of biennial elections is what we claim it to be, then quadrennial elections would double the advantage, decennial elections would still farther increase it, and the discontinuance of all elections would give us a perfect system! It is surprising that rational minds can resort to such a style of debate. We might reply as well that, if the greater frequency of an annual election insures a better government than a biennial election, a semi-annual election would be still better, and a monthly election better still, and a perpetual election best of all. Either way an absurdity is quickly reached. A moderate amount of food or medicine will strengthen or cure, while an excess will destroy health and life. On this, as on all subjects, there is a golden mean, which the judgment and reason try to discover. John Bright said a while ago that, though he thought the term of the British Parliament was too long, "an annual election would be intolerable." The reasonable conclusion is that, in view of the experience of other States and of our own observation, an election in alternate years is at once frequent enough and not too frequent.

It has been repeated again and again that annual elections are very important for the purpose of popular education ; and here, as in other parts of the discussion, we have had a repetition of phrases without substance and the constant misapplication of admitted truths. It is urged that senators and representatives learn much by their legislative experience of the interests of the Commonwealth and of the workings of our political system, and become large-minded by their association with gentlemen of opposite politics and diverse connections,—all of which is true enough. This plea for the advantages of legislative education, as urged against the biennial plan by different speakers and writers, assumes that the abolition of the Legislature is contemplated. But no one has proposed that scheme. No one has asked that the present advantages of the legislative education be abridged. On the other hand, our thought is to make this education better in every respect and more complete by extending it to two years instead of dropping it at the end of one, which has but just begun. Instead of two hundred or more yearlings, there will be in one session an entire body of experienced legislators, well acquainted with each other, as well as with the varied interests of the State and the principles and methods of legislation. It is fair, also, to assume that the extended term will lead the people to be more careful in the selection of competent persons to represent them.

The education to be acquired in a public office must always be treated only as an *incident*. It will educate a man in finance to be a public treasurer, and in law to be a judge ; but we do not, therefore, create superfluous treasurers and judges. An open court helps to educate the judge, juries, and bystanders ; but we do not create two courts where one is enough, or prolong judicial terms after the business has been done, with a view to education in legal rights and duties.

The advantage of periodical elections as a means for the political education of the people themselves is denied by no one ; the only difference of opinion is as to the interval of time between them which will best promote that education. No one asks that they be discontinued or recur only at long intervals. The biennial plan contemplates only changes which will make each election all the more useful, all the more expressive of the opinions of the mass of qualified voters, all the more effective as a means of popular education. In the “ off-years ” — that is, the years in which there was no congressional election — there has been no such political education, save in those when Gen. Butler assailed the whole system of State administration.

Two gentlemen from Worcester, now in Congress, have emphasized the magnetism of "the human voice" as an educator. But when and where were their voices heard, last October and November, from Gay Head to Boston Corner? Of the 442,616 legal voters found in Massachusetts in May last only 209,668 voted for governor in November, leaving a large majority of "stay-at-homes,"—232,948—and even more than that, allowing for the natural increase in six months, which is annually about 9,000. Where were Senator Hoar and Congressmen Rice and Long, that they left this great multitude of 235,000 voters in stolid ignorance of their political duties? Others know better than I the course of the last election in their own sections, and in my own it had no relation to principles, policies, or even parties, but in the election of senator and representative dropped to the level of the most petty personal considerations. No meetings were held in the State, and "the human voice" was unheard as political school-master and educator.

Mr. Hoar thinks it impracticable to discuss State and national issues at the same time. If one may differ with so high an authority, I must beg the privilege of doing so now, after a pretty frequent participation in political discussions for thirty-five years. The people, when there is an occasion, listen well for two or three hours in an evening, time ample enough to cover both national and local affairs, two or three times the limit allowed to a member of the national House. Indeed, in this State our discussions of the State administration were never so earnest and instructive as when, a few years ago, they were coupled with the defence of honest money.

The gentlemen who have emphasized the educating power of "the human voice" assume that it is in some way to be silenced by the introduction of the biennial system. Whence this delusion comes it is hard to discover. The halls of Massachusetts in her cities and villages will always be open to them to give counsel to their constituents, even during the off-years when they have not been accustomed to use them. They can, at the close of their sessions in Washington, after the example of members of the British Parliament, report what they have done, and instruct us in public affairs, whether we are to vote the next November or not. The famous anti-corn law agitation in England did not hang on the election of a new Parliament. Some of Mr. Webster's most effective addresses to the people were made soon after the close of a session, or at a time removed by months from an election. Lincoln's most remarkable address, — save that at Gettysburg, — which did much to make him a candidate for the Presi-

dency, was made at the Cooper Institute in February, 1860. Sumner delivered, in the spring of 1855, in Boston, New York, Worcester, and other places, his address on "The Necessity, Practicability, and Dignity of the Anti-Slavery Enterprise," never speaking with greater power or to vaster audiences. One of his greatest efforts, — his speech on foreign relations, in the Cooper Institute, in 1863 — though later in the season, where he gathered an audience in numbers and distinction such as has hardly ever been witnessed on this continent, did not concern any pending election. The people of Massachusetts have never been slow to throng halls and churches to listen to Horace Mann on education, to Gough on temperance, to Sumner on prison discipline or peace, to Wendell Phillips on slavery, to every speaker who has had a good cause to plead and could plead it well, at any season of the year, whether a poll was at hand or six months off; and they will gladly assemble next spring or summer to hear from their senators and representatives in Washington what efforts they have made to save the nation from the calamities of the silver coinage.

Useful as the human voice may be, inspiring as it is to those who listen, it reaches after all but a small fraction of the people, even when the public feeling is high; while the generality derive their political education from the daily and weekly newspaper. Our people would be ignorant, indeed, if their intelligence on public affairs were limited to their casual and infrequent attendance at political meetings. Many an intelligent and patriotic voter, particularly in our farming population, has never listened to a political speech, but he is a faithful student of the newspapers. Every one accustomed to public speaking knows when he speaks that only a small proportion of the voters of a town or city have come to listen to him.

It is said that Massachusetts should not look to other States; that she is wiser and better than any one or all of them. This is said to tickle State pride, and is one of the most unworthy considerations which has been brought into this discussion. How long is it since we have adopted this novel doctrine of isolation — this contempt for all mankind beyond our limits? In our origin, and during our entire history, we drew, and are continuing to draw, all that is best from the rest of mankind, our language and law from other continents, our four great muniments of civil liberty — trial by jury, *habeas corpus*, the representative system, and the rules and orders of debate — from the mother country. We study the schools, the hospitals, and the prisons of Europe, to improve our own. We welcome the idea of any foreign invention and appropriate and improve it. We took

from other States the scheme of a code of practice and of general laws for the creation of corporations. We study and cite the decisions of every State in the Union, and of every court in Great Britain, in order to make the common law better fitted to rights and transactions among ourselves. We are, indeed, paying back to the world the debt we owe it by new contributions to government and science; but we shall never be wise enough to shut our eyes to the light which shines from afar and outside. Some modern statesmen, or rather pretenders, there are, who have a contempt for "abroad," as they call it, notably Flanagan of Texas, and Beck of Kentucky; but they are not Americans in spirit.

Our fathers, John Adams, and the authors of the "Federalist," neglected no lessons of experience which other nations supplied, not even rejecting faint analogies found in ancient and mediæval systems. We are one people, with a unity of law and spirit, from ocean to ocean, each an example to the rest. Our State is not a "lone star," but one of a great constellation. Massachusetts is great and respected, because she has always been hospitable to the wisdom of mankind; and she will cease to be respected when she wraps herself in self-conscious isolation.

The example of other States is put aside by some gentlemen most curiously. They meet it by pointing to something in those States which they disapprove: as an elective judiciary in one, the failure to impose criminal penalties on sexual offences in another, the vicious public opinion of another on silver coinage, and so on. This line of argument would exclude all instruction which is ever to come from history or contemporary experience. But the same gentlemen do not scruple, when insisting on the abolition of the poll-tax, to cite its non-existence in States which have adopted the biennial system they so much condemn.

The example of other States is said to be of no concern to us because of our greater and more varied interests. This distinction will not bear the test of statistics. Our population, by the census of 1880, was less than 1,800,000, less than one-half that of New York or Pennsylvania, exceeded by Ohio and Illinois each by more than a million, exceeded by Missouri and Indiana, and not much beyond that of Iowa, Michigan, and two or three more States. We had then 2,278 miles of railroad; Illinois had more than five times as many, Ohio more than four times, New York more than three times, Missouri and Indiana each nearly three times as many, Michigan nearly twice as many, and so on. Pennsylvania and other States have vast mineral

interests, which we have not. New York and Pennsylvania have each a population engaged in manufactures, mining, and transportation far exceeding ours. Other States have great cities, some far more populous than ours; and they have a navigation by ocean, river, lake, and canal. We have some interests which they have not; but, on the whole, it will be found, after a comparison of circumstances, that there is no peculiarity in our condition calling for more legislation, longer sessions, and oftener-recurring elections than have been found necessary and convenient with them.

And yet we are having a length of sessions quite without parallel. Most of the States begin their sessions, as we do, during the first week of January. We have had, during the last twelve years, some sessions end in May, one even in April, but in four instances in that period they have lasted into June, and one even till late in July. The last one ended June 19. Among other States last year the session ended in New York more than a month earlier; in Pennsylvania, with a session once only in two years, earlier than ours; in Michigan (biennial session), a day only beyond ours; Illinois (biennial session), but a week longer than ours. In other States the sessions, which began in January, closed mostly in March or April, although in several of them the session was biennial, and should, therefore, in such cases, be divided by two, in order to make a comparison with ours. Our Legislature, in two years, exceeds or approximates the time (allowing for the Christmas and other recesses) which Congress occupies with our national and international interests, or the British Parliament with local, colonial, and imperial affairs. The people of Massachusetts are not so wicked, so fickle, so restless, so disposed to experiments, so peculiar in temperament and condition as to require such an extraordinary volume of legislation which the rest of mankind do not find necessary or desirable. As other States have found it to be, we also hope to find in the biennial system a remedy for extended sessions and superfluous legislation.

One gentleman, opposed to the change, expresses surprise that any one should think we can get on with fewer statutes, less frequent elections, and less frequent sessions than our fathers, now that we have a larger population and greater interests. But this surprise should vanish when we take into view the method now prevailing, — which was unknown to our fathers, — the method of general legislation instead of special acts. Each year two hundred and fifty or more corporations are created by voluntary action, under administrative

supervision, without a moment's legislative attention, each of which required thirty-five years ago a special charter, granted often after a hot contest between rival applicants. A hundred questions are each year now relegated to county commissioners, the railroad and insurance commissioners, and other Boards, which once vexed committees and both houses; and a hundred more will be disposed of in the same way when the Legislature has trained members as well as time to extend the system.

A few stray individual opinions are set up against the example of other States, issuing from public men disconnected from State administration and preoccupied elsewhere. A letter from Mr. Edmunds has been read and printed, but it relates exclusively to biennial *sessions*, a subject not now being heard by the committee of the Legislature. Senator Hawley is quoted against biennial elections; but, according to a letter of Gov. Jewell, on file in the State library, he has been on both sides of the question, once for the measure, and then against it at the time of its first defeat. But as his State has now adopted it, it appears that the people of Connecticut did not in their final decision find any gravity in the reasons which led him to change his mind. It should be noted here that the first defeat of the measure in that State, according to Gov. Jewell, was accomplished by the *lobby*.

To any individual opinions from other States which are interposed, the answer is that in no State which has adopted the biennial system is there any movement to change it, not even on the part of the gentlemen whose opinions are cited. To any individual opinions from public men who are preoccupied with grave questions at Washington are opposed the deliberate utterances of high public officers who had at the time an immediate connection with, and direct responsibility for, the business of the State, interested officially to promote economy and efficiency in the State Government, simplicity and completeness of legislation, and the fullest expression of public opinion on public affairs. First among these may be named Thomas Talbot. He was an average man in the best sense; not a lawyer, or a professional politician; taking office but not clinging to it; withdrawing from the governorship, but assuming afterward the drudgery of State charities; watching carefully the course of opinions and events; with an open hand for all sorts of men; knowing the common thought of all citizens as few men knew it; never eccentric, or extravagant, or fanciful, but moderate, firm, open-minded — entitled, if any man were, to stand and speak for all the people of Massachu-

setts. In his address to the Legislature in 1879, expressing his deliberate conviction, he bore witness, with great emphasis, to the evils of the annual system, as unsettling the public mind, interfering with business, wasting time and money, involving heavy drafts on the treasury, promoting unworthy projects by legislation, cumbering the statutes with crude laws which perplex and annoy by their obscurity and constant change; and he staked his personal and official character on a recommendation that, in deference to this public sentiment "the question of biennial State elections with a legislative session in alternate years be referred to the judgment of the people."

Gov. Long, who now sees no need of restriction in the time and expense and topics of legislative consideration, held a different view when his duties and responsibilities connected him immediately with the business of the State. In 1876, as Speaker, he enjoined the doing of but few things, abstinence from experimental, special, or expensive legislation, and pleaded for a short and hard-working session, not lasting beyond April 1. As Speaker again in 1878, he begged the House not to experiment too much, "not to patch special cases, but to meet the general need with simple and general legislation," and to "reduce the field of labor to making the necessary annual appropriations, and to the few important matters that imperatively demand action." In his message as governor, in 1882, he urged the passage of general laws on water supply, city charters, change of names of corporations, ratification of illegal acts of public officers, and other cases suggested by the Blue Book. Facing responsibility for the welfare of the State, there was no insistence on hearing again and again all demands upon public sentiment, whether, to copy his own phrase, "they are the demands of the philosopher or the crank."

The discussion has abounded in sneers at the argument that the biennial system will save expense and reduce taxation. We are told that the difference between this and the annual system is a "small," a "trivial," a "paltry" affair; and we are reminded that "sirloin steak costs more than dog meat." Is it not the duty of legislators, while doing justice to all the requirements of government, to avoid every dollar of useless expenditure? to call upon the people for no taxes that are not needed for the public good? If it is not, why have we been trying to curb the extravagance of cities and towns by limiting indebtedness, appropriations, and rates of taxation? Gov. Washburn, in 1872, stating the daily expense of a legislative session at \$2,000, thought a saving could be had, in its reduced length, of \$150,000 a year. Neither he, nor Talbot, nor Robinson is to be

treated as a "picayune" man because he has objected to a waste of the people's money.

Language has been used by the opponents of the biennial system, not consciously let us hope, directly calculated to stir up class feelings, and finds its place in the speeches of more than one gentleman. It is too much in the line of harangues to which we were accustomed, three or four years ago, from a different quarter. What means this talk about "wealthy and educated classes" shirking their duties as citizens? Who are they, and what are their names? The advocates of the biennial system are miscellaneous in occupation, and only claim to be the peers of their fellow-citizens. As a body, they attend caucuses and conventions, sometimes address the people on political subjects, never fail to vote, and wait on legislative committees to assist them, if they can, to a right conclusion. Are the gentlemen who think such phrases pertinent to this debate trying to become as poor and ignorant as they can be, and to bring up their children to that condition? What signs do they show of asceticism and an unworldly abandonment of profits, emoluments, and good living? Are they not glad, like the rest of us, to boast that Massachusetts is advancing in resources and civilization? Whence comes their peculiar title to speak for "the working classes," and to assume that these or any classes delight in unnecessary burdens of taxation, in crude and superfluous statutes, and in elections which do not bring half the voters to the polls?

The biennial system will, as experience shows, abridge sessions and improve the methods of legislation. Instead of only one-third or one-fourth of the members having experience, all will have had it, at least for one session. They will all of them at the second session have the time, as well as the training, which will enable them to devise general statutes to take the place of the large number of special acts which are piled up every year. Every one familiar with legislation can recall subjects where, instead of comprehensive treatment, there has been a succession of amendments, each added at the pressure of individuals who had no care for any circumstances but their own, till, as the result of this piecemeal work, the statutes are finally found to be in inextricable confusion, the despair of counsel and the courts, and at last the heroic remedy of a sweeping repeal is applied. Some chapters in our statutes, notably the law for the formation of railroad corporations and the law for regulating municipal debts, which cost laborious preparation, stand the test of practical working, while slipshod bills, reported to please some

individual promoter, speedily require amendment or repeal. With the whole mass of members serving two years, there will be, as the deciding body remains the same, but one hearing before committees and in the Legislature, where now there are two, on various vexed questions, as private claims, speculative enterprises, and ever-recurring topics of agitation; thus giving an intermediate year to bring them to maturity, and leaving to the senators and representatives an ampler opportunity to treat intelligently, methodically, and comprehensively, measures relating to health, water supply, drainage, and industrial interests, which imperatively require wise and deliberate consideration. Members, under this system, will be inclined to give new statutes a longer trial than they now have, when often a statute is amended which has hardly been six months in operation.

There seems to be no limit to the strange and unnatural suggestions which are thrown into this debate. Gov. Long puts aside the general and almost universal advocacy of the biennial system by the newspaper press of the State, attributing it to the desire to create a sensation, assuring us that, after the change has been made, the press, seeking to get up a new sensation, will again agitate for a return to the annual system! Will he point to a single State where such a phenomenon has been witnessed? Would it not be fair for the press to retort upon him that public men advocate new measures for the sake of a sensation, only to agitate their repeal for the purpose of creating a second sensation? Is not such a suggestion alike absurd and unhandsome in both cases?

A great point will be gained if we can, to some extent, limit the use of money in our elections. There is now an enormous expenditure unknown thirty years ago. It is corrupting in its influence alike on candidates and voters; it is raising up a class of workers, many equal to any dishonesty, who live from one election to another on what they can squeeze out of committees and candidates; it is making what ought to be a conflict of principles and policies a struggle between rival money-chests pitted against each other; it is poisoning the sources of political power, and belittling statesmanship. Let us reduce, if we can, this corrupting fund, and do something to scatter those who live upon it by interposing an alternate year when there will be no canvass to gather these political vultures. One gentleman who knows has borne witness in this discussion that in the quietest State campaign \$50,000 is expended on both sides. Gov. Robinson, in the speech already referred to, emphasizes the corruption which the use of money has brought into our elections. The

Speaker of the House, in discussing another question, deploras the growing use of "the barrel" in party struggles. The existence and enormous growth of the evil in recent years is a matter of common knowledge, and justly alarms thoughtful patriots.

One gentleman, for whose public spirit and sincerity I have great respect, — Mr. Rice of Danvers, — admits the opposition of "business men" to annual elections, and deploras their disposition to remain in their factories and offices rather than go to the polls. They are a most important element in all elections. They have a vital interest in good government; and their abstinence from, or earnest participation in, a contested campaign often settles the result. It is easy to reproach them for their disinclination to incessant political activity, but it is far wiser to so adjust the political machinery that they will never fail to be a part of it. At reasonable intervals they will do their duty, as they do not fail to do it in presidential elections; but it is human for them, with pressing responsibilities, to become weary with the demands of annual elections, of which they do not see the advantage. As they step out, a professional class steps in whose control of politics, State as well as municipal, bodes evil to the Commonwealth.

Speech of Gov. Robinson at the Essex Club, Feb. 13, 1886.

Now there are some things that are in our way at the beginning of such a discussion as this — whose government is it that we are talking about? The government of the people of Massachusetts, the people who abide by the present form of government, whose representatives frame laws in accordance with the fundamental structure of that government, the people who execute and judge upon those laws through their proper representatives. When any one stands up to say that it is not becoming to argue that our fundamental structure of government should be changed, that it is presumptuous, demagogical, insane, and dangerous to touch it, let us give back the reply that at all times the people rule in Massachusetts, and that at all times it is safe to trust the people to rule in Massachusetts. And when we say the people, we mean the majority of the people. The minute we depart from that ground and take any other, we have evaded, avoided, and ignored the substantial distinction that underlies republican institutions. Undoubtedly some one of us may think at times that the majority in this State is going wrong because it differs from ourselves. But, somehow or other, it comes back, and in the long run the rule of the majority we know to be right, and say it. Therefore we brush away at the outset all this talk that we are enemies to the people when we advocate a change in the form of the government, or any of the specific provisions, because we cannot make it,— neither can a few accomplish it, — but the people may and ought. Now just notice what has been done. From the adoption of the Constitution in 1780 down to 1795 there was no change. Then, by a provision made at the outset, the vote was taken requiring two-thirds in order to effect a change, and it failed for the want of the necessary vote. No amendments to the Constitution were therefore adopted until an attempt was made in 1820, through a Constitutional Convention, and then upon submission to the people, the final depositories of the power, nine only out of the fourteen articles proposed were accepted, showing very clearly that the people, when once trusted with the opportunity, discriminated. Up to that time, you know, there had been no other method, except that through the Constitutional Convention. Then the article which provides for another method was adopted. Mark you, another method, not the only method. It is still open, as we all know, for Massachusetts to hold a general con-

vention to consider the whole question of the Constitution, or act upon any part of it, if she may choose. It is assumed by some persons that the only way is through two successive Legislatures, by the vote required, and then to the people. By no means. If the Legislature of the present winter were to adopt the necessary resolution calling upon the people to proceed to form a Constitution, to determine whether there should be a convention, and elect delegates, it would come then. And how? By a majority vote, not by two-thirds. And the people themselves, together, would act upon the adoption or rejection. I spent this time on this point in order to prepare myself to discuss the scope of the Ninth Article,—that is the present method of amendment, — because great stress is laid upon it.

In 1820, after the first attempt to hold a convention had failed and the second had succeeded, the delegates deemed it wise, as it most certainly was, to arrange so that certain specific amendments, when proposed, might come to the people for action, when it might not be deemed necessary to call a general convention. What was the object? Was the object to prevent amendments to the Constitution? Nobody ought to claim that, because nobody has the right to assume that he will stand in the way of the people's will to accomplish what the people judge is best for the whole. No; the object of that Ninth Article, as I understand it, in its adoption, was to prevent hasty action, and to prevent certain projects thrown out for consideration upon the people without any consideration at all, and also to remove the possibility of discord among the people over unimportant matters. Does any one suppose that the delegates intended thereby that the people should be deprived of their power to determine and to declare what they wanted? By no means. It is true that the language in that amendment is, "if the members shall agree to the proposition." But read on. Although it says, shall agree, in one Legislature, and then in the succeeding one, after certain other conditions are performed, shall go to the people, — mark the language that comes after: "If it shall be approved and ratified by the people." Why, it seems to me as if the delegates thought the people were somebody! It does seem to me as if they looked over even a Legislature, or over two Legislatures, and saw something that was greater and stronger than even the representatives, — the people. Ay, the principals, and not the agents. The people themselves have the power that shall determine, and so they provide for the means of transmission, with proper guards and checks, through two Legislatures, in order to receive the determination whether the people

would approve or ratify those provisions. Now I am not to argue, and I will not because I do not believe it, that a member of the Legislature should vote for what he does not believe, simply to let the people have an opportunity to pass upon it. The Legislature is not a mere conduit through which propositions are to be run to the people. Not by any means. But in this question there is involved nothing of morals or of right. Think it all over; there is not anything of morals or of right in a question whether we shall proceed to an election each year or once in two years. There are great and over-crowning questions that do touch in the highest degree questions of morals and right, but this is not one of them. Therefore, when we talk about a member's being brought up to exercise his conscience upon the question, I am at a loss to know what it means. When members are told by anybody that "You must vote on this question as your conscience dictates," it seems to me that somebody has a different idea of what the power of conscience is. It is a question only of policy, is it not? a question only of expediency? It is a question of the same character—differing in degree, if you please, but of the same character—as it would be to determine where a town hall should be placed in a town, where a city hall should be placed, or where a railroad line should be located. It is a question of policy, or of expediency, not a question of right. Why may not the representatives of the people justly take into account, as an element of the whole problem, what they believe to be the sentiment of the people on that question? Suppose that every member that sits in the State-House this year were satisfied that nine-tenths of the people of Massachusetts wanted this change. I put it to you to say whether those gentlemen can strictly and faithfully perform their duties to their constituents by saying: "Because we, at the ballot-box, when the questions comes up, would vote against it, we will not let the people of Massachusetts vote on it." It seems to me they would not be justified. Keep the distinction clear in mind between one of right and one of policy.

And mark you that this question is not a fresh one that comes up now to agitate the Commonwealth, never having been heard of before; nor is it a question about which we have not had any conclusions on the part of the people, because we know very well that it has been passed upon in various ways, when, in successive Legislatures, year after year, a majority every time has voted in its favor, and many times the requisite number has been obtained to pass it through its first stage, and never a failing except by a slender difference of

votes. And when we know that the question has been agitated in the public press, and discussed everywhere, and when we also recognize the fact that members have been elected from all parts of this State, and without regard to party, after these questions have been so discussed and understood, and the Legislature has by more than a majority over and over again declared itself in that way, do we not know reasonably what the people want? I fancy that the opponents of this reform know what the people want; and that is the difficulty. They are afraid that the rights of the people are to be invaded. I will tell you who are the invaders. The men who won't let the people say what they want. The argument is not to be carried out to this; "Well, then, of course you are in favor of letting all cranks' propositions go to the people at once." By no means. But this is not a crank's proposition. It is a proposition that has been over and over again ventilated and discussed, as I have said, in the Legislature, and adopted by an overcrowning majority every time. Now, when there is any other question that comes up for amendment, and it has had the same experience before the people, and in the press, and before the Legislature, I should say, by all means, unless the question of right or morals should be involved, the people should have directly an opportunity to say whether it should form a part of their government structure or not. I must pass on. I should like to talk a little more upon it, but I know you are satisfied, if others are not.

It has something in bearing with me that the other States of the American Union think as the people of Massachusetts do about this. Does it not signify anything that the great States of New York, Ohio, and Pennsylvania, thickly settled, prosperous, energetic, thriving, loyal, and throbbing all over, have an opinion upon this, and all New England, in fact, except Rhode Island? Why, it seems to me that there ought to be some force in that; and there is upon everything else. And even Rhode Island is tired of her company with Massachusetts. She is moving this very year to adopt this reform, and if we are laggards she will be in advance and we shall be left all alone. To me it signifies very much. It does not mean that because they have adopted this change of system we necessarily should undertake everything that is done in their government, their forms of government, or their governmental practices; not at all. Last summer it was my opportunity to have a few words with President Cleveland, and in a mere incidental conversation something was said about the election in Massachusetts, and, speaking of the term of the governor, I said it was only for one year. He looked at me, and said, "What!

Massachusetts chooses a governor every year?" I said, "Yes, sir; annual elections in Massachusetts." "Well," said he, "I would not have believed that Massachusetts was so far in the dark as that." Then he discussed the question somewhat more. Now, what have the States suffered that have adopted it? Will anybody tell? Does anybody tell? It is frightful and dangerous, they say, to work out any of these changes? Does anybody stand up to tell you what has been accomplished that is bad? It has been done in Maine; and Maine is our daughter. But will the good old mother go to the daughter, and, laying her hand on her, say, "Daughter, you have gone wrong; here is evidence of your failure: your people are in despair!" Who says it? Who means it? Who believes it? Put your finger on Vermont. Travel over her hills, see everybody except one or two men, and you will find but just one voice about it. And Vermont looks healthy and she is strong, loyal, enterprising, and steadfast; and we honor her. What has gone wrong with Vermont? Somebody says you want to change this system. Do you want to be like the other States that have adopted it? Well, I should not be much disgraced if Massachusetts were something like Vermont. I don't know that Maine is a disgraceful State, or New Hampshire, or Connecticut; and I might go over many others. None have changed back, no matter what their depths of humiliation and despair may have been, and none have attempted to go back. There are volumes in that. That will silence all the orators on the other side, for, I tell you, experience teaches a very valuable lesson. And ten years hence you will find no man in Massachusetts to stand up and to argue, when this reform has been accomplished, that we ought to turn back.

Maine made a mistake, it is said by one or two distinguished gentlemen. Nine-tenths of the people of Maine voted one way, and one-tenth voted the other, and they made a mistake! Well, a man that is on the wrong side of a question is generally apt to think that all the rest are wrong. Quite materially. And then they tell us that the other States are of no account. Suppose we grant that for a moment. If the other States are of no account, Vermont is of no account, is it? Then why is any one man in Vermont of any account? The whole State of Vermont is to be left out of consideration; but if you can rake through Vermont by any microscopic process and find one man that speaks against the biennial-election system, he is of consequence; and that settles the question. And, as in Maine, no matter if nine-tenths of the people are all one

way, that counts for nothing. It does seem to me sometimes as if it were barely possible — I hardly dare to suggest it above a whisper — that some of those men that are now said to be inevitably right on that question may have possibly been suspected of being wrong on some others at some time. It is not quite safe always to tie your faith entirely to one man, no matter who he may be or how he spells his name.

But it is said that this is the work of the fathers. Well, it is. It is a grand work. They builded as well as they knew, and I sometimes think they builded even better than they knew, better than it would seem possible that they could anticipate; and, with all due respect and veneration for their work, we have found it necessary to make certain changes, the substance of which and the majority of which everybody concedes to be salutary. Twenty-eight amendments have been made to our Constitution. Most of them are still in force. The people are satisfied with them. Take the United States Constitution, framed at nearly the same time. Fifteen amendments have been ingrafted upon it. 'Twas the work of the fathers. And that is the work of the sons. The fathers had the Revolution, but the sons throttled the Rebellion. One was grand, so was the other. Creation was one thing, salvation another. Without abating one jot or one tittle of our homage for the great men of the past, I have great, abundant respect and veneration for the great men of the present. There is something yet left of the people after all, and the great, good, loyal, true, and honest are not all yet under the sod. Let us stand up for our present and look forward into our future, and recognize the obligations upon us. When anybody talks about our not laying our unholy hands upon the work of the fathers, say that the hands of this day and generation were laid upon the Union standard to protect it from degradation and to preserve and extend the Constitution that the fathers built.

I have seen a pamphlet in which it is said that John Adams settled this question for all time, and said that "where annual elections end slavery begins." John Adams was not the author of that expression. That is an old maxim that was floating around, and it had been in some bad company, too, before that time. But you have had it stated. I have seen it upon a certain pamphlet that has gone the rounds, as if it would settle the question before you even open the covers. When was that said? — 1775 or 1776? That was before the Constitution of the United States, before the Constitution of Massachusetts, was adopted, before the war of the Revolution was fairly begun, before the

Declaration of Independence. Well, that is a very different condition of things from what it was ten years after or now. John Adams was asked to give his views upon certain forms of government that would seem to be best for the people, and he wrote, — I want you to take time enough to hear what he wrote, so that you may take the whole question, — he wrote to George Wythe, of Virginia, in 1776, as follows: "In the present exigency of American affairs, when, by an Act of Parliament, we are put out of the royal protection, and consequently discharged from our allegiance, and it has become necessary to assume government for our immediate security, the Governor, Lieutenant-Governor, Secretary, Treasurer, Commissary, Attorney-General, should be chosen by joint ballot of both houses. And these and all other elections, especially of representatives and counsellors, should be annual, there not being in the whole circle of sciences a maxim more infallible than this: "Where annual elections end slavery begins." These great men, in this respect, should be, once a year,

" ' Like bubbles on the sea of matter borne :
They rise, they break, and to that sea return.' "

"This will teach them the great political virtues of humility, patience, and moderation, without which every man in power becomes a ravenous beast of prey." And still reading from John Adams: "This mode of constituting the great offices of State will answer very well for the present; but if, by experiment, it should be found inconvenient, the Legislature may, at its leisure, devise other methods of creating them, by elections of the people at large, as in Connecticut, or it may enlarge the term for which they may be chosen to seven years, or three years, or for life, or make any other alterations which the society shall find productive of its ease, its safety, its freedom, or, in other words, its happiness."

I don't know who quoted from John Adams on the cover of that pamphlet, but John Adams is dead, and I believe it is fortunate for the one who made the quotation that he is. Nothing can be so unfortunate as to cut out a whole sentence from a man's declaration and charge him with that. There is John Adams in 1776 declaring that as a temporary expedient he would have an annual election, but as soon as they had sat down to consider it more carefully the Legislature would consider what would be more proper to cover the ground. Nor is that all. In 1808 Senator Hillhouse, of Connecticut, proposed to amend the Constitution of the United States so that the members of Congress should be elected for one year and the President should

have a one year's term; and John Adams made his utterance upon that as follows:—

“The question now is, whether Mr. Hillhouse's amendments of the Constitution will remedy or qualify the evil. I think not. On the contrary, they will aggravate the distemper and make it mortal. As the government vibrates at present between parties about once in twelve years, if you make the elections annual there will be a chance of its vibrating every year, and you will have no stability in government at all. If that ‘prince of the power of the air,’ that ‘fiend, party spirit,’ can now ‘invade every sphere,’ if that demon can ‘pass the bounds of every State,’ will he be

“ ‘Hurl'd headlong, flaming from the ethereal sky,
To bottomless perdition, there to dwell
In adamantine chains’ ”

When elections become annual will Hamilton be prohibited from visiting Boston and Rhode Island, and Burr from travelling in New Jersey and Pennsylvania? The communication by letters in the post-offices and by private hands will be as easy as ever, and mercenary emissaries from the British and French courts may write, speak, and hold caucuses, as well as Federalists and Republicans, when elections are annual as well as at this time, when they are for two years, for six years, and for four years. The monster who now *fremit ore cruento*, but cannot gorge himself more than once in six years, will then have his appetite increased by being annually feasted. He will then be monthly and daily employed all the year round in sowing discords and divisions, destroying social harmony, overturning the most valuable institutions, and endangering the liberties of our country.”

It has been said that there is something magical about the term of one year; that there is a sort of fascination about its coming around with the order of the seasons, — spring, summer, autumn, winter, — and that politicians should die at about the time that the year dies. But that has been a subject that has been discussed, and so, when the Constitution of the United States was framed, Hamilton said: “No man will subject himself to the ridicule of pretending that any natural connection subsists between the sun or the seasons and the period within which human virtue can bear the temptations of power. Happily for mankind, liberty is not, in this respect, confined to any single point of time, but lies within extremes which afford sufficient latitude for all the variations that may be required by the various situations and circumstances of civil society.”

What will be the advantages if we make the change? Greater interest in elections; a fuller vote every time the people are called

upon to do their duty, recognizing it to be of more consequence ; more substantial interests involved ; a greater responsibility, a greater experience in the officials who may be charged with power, who may be held up to the trust, and less frequent disturbance to the pursuit of the ordinary avocations of life. After all, government is essential ; but there are other things beside government that are essential with a free people, and generally the less government and governing we have the more there is of industry, thrift, prosperity, and happiness. The people do not want to be governed quite as much as some men fancy that they desire to be. Now, what are the dangers ? It seems to me that they disappear into nothing. I should like to discuss them at length. But bear in mind that if you only have the elections to the Legislature and to the chief offices of the State Government once in two years the people will not be without the opportunities for education. There will still be those influences that will ameliorate and improve mankind in Massachusetts. Town and city governments are to be maintained, and do we not recognize that the chief things that concern all the people of Massachusetts are carried on in those municipalities ? Think for one moment how little the work of the Legislature, after all, directly touches the people of the State, and bear in mind how much the burden of taxes and how much the general direction of the affairs that touch family and home and neighborhood and village and town are managed directly by the people within their own borders. When one thinks of that he is startled at what seems to be presumption in the claim that there must all the time be the Legislature under the process of election to impress upon the people the presence of power. And even if we should be inclined to think that there are dangers, we still have some things that are precious in Massachusetts, and that will remain memories,— things that are grand and heroic,— holden precious still. We shall not lose the influence of Plymouth Rock, whether we elect once or twice in the course of two years. And Faneuil Hall ! That may fall, but its influence never. Lexington, Concord, and Bunker Hill are continually present and powerful with us. And when a man points to Massachusetts, and for the sake of an argument, says : “ Lo ! this is the secret of her power and her influence : that she has elected her officers once a year,” I differ with him, and say that is a narrow construction, that her power and her influence for good lie in altogether different directions ; and I believe, sincerely, whether she has annual or biennial elections, Massachusetts will yet have a history, as she has had in the past, of which her people and the whole nation will justly be proud.

Extracts from a Paper in favor of Biennial Elections read before the Essex Club, Saturday, Feb. 13, by Nathaniel A. Horton of Salem.

LONGER INTERVALS OF LEGISLATION A SIGN OF POPULAR PROGRESS.

The assembling of the Legislature, whether annually or otherwise, is not an end of our organized society but only a means of securing its welfare. The nearer the people arrive at that condition where they require less legislation and less government, — they being their own judges of that question, — the more ready is the unerring instinct of the public sense to demand fewer facilities for upsetting the settled legal appliances which the people have set on foot for their own guidance. I do not look with any feeling of horror or dread upon the idea that the day might possibly come some time in the future when once in three, five, or even ten, years would be deemed frequent enough for an assembling of the Legislature to readjust the laws to any new conditions which may have arisen. Of course, being only a plain, practical man, and not a visionary enthusiast, I do not expect this day is likely ever to come, taking human nature as we know it. . . . It is with the body politic as with the individual life composing it: it is the healthiest when it needs the least governing. It is the dyspeptic who is kept constantly reminded that he has a stomach. The strong, healthy man goes on year in and year out doing his part in the world's work, and is never once conscious that he is blest with either a stomach or a heart. The community or the social body which has so adjusted its general laws to the shifting public requirements that it can run on in a state of comparative unconsciousness that it has any laws, or even any government, is the healthiest social body.

PAST AND PRESENT WAYS.

My esteemed friend ex-Governor Long, in his remarks upon this general subject, takes occasion to say: —

I find that under our system of annual elections it used to be a custom in Massachusetts to send to the General Court the same man, if he were a deserving man, year after year, for fifteen or twenty years. I find that that obtains to some extent at the present time; not so much as it formerly did. Why? Because the great body of our people are so well educated and trained for public affairs, owing to our system, which holds government close to the people, that you have a great abundance of excellent material to draw from.

The essential fact which Gov. Long cites and accounts for upon the ground of a superabundance of excellent material may be accounted for in a different way. In former times the people selected a man whom they thought fit, from his general character and judgment, to represent them. To-day the common rule is for the man who wants to be a member of the General Court to set himself up, and rely upon his friends to go into a caucus and outvote the friends of some other aspirant who has also exercised his equal right to be a candidate by the same process. When the candidate has been selected and finally chosen, he has not been chosen to represent any particular idea or principle of State administration, but simply as the representative of a party founded upon particular views regarding the tariff, or national improvements, or a free ballot and a fair count in some other State in another and distant section of the country.

Now I do not say that the man selected by this process may not often be as good a man in himself considered as one whom the people could come together and voluntarily select by their own disinterested motion. I do not say that he will not pass judgment upon the questions which come up intelligently and well. I am a believer in the general average good sense and good intentions of the men who assemble as members of the General Court, by whatever process they get there. But I do express this opinion: that one leading reason why the process of selecting representatives has so radically changed is, because the great body of the people do not feel that necessity for continual legislation, now quite largely experimental, that they once did. When the people selected their representatives for ten and fifteen years in succession they felt impressed with the importance of formulating laws needed for the general welfare. When they fell into the modern way which seems to regard the office as a perquisite or as a means of repaying men for their party fidelity as shown by the work or funds they have contributed, they are apparently more impressed with the obligation to elect men to the General Court annually because the laws require it than because of a conviction that more laws are needed than biennial elections and sessions can satisfactorily supply. In former times the elections were upon that positive basis which is founded upon a public demand for laws. In these later times they are conducted more upon that negative basis which asks the question (so far as it asks any question of qualification) not whether a representative knows what new laws to frame, but which of these candidates who are applicants for a nomination is most likely to prevent the upsetting of well-established

principles of legislation. Gov. Long himself very well says that he has "always regarded our General Court as quite as important with reference to the things which it does not do as with regard to the things which it does do and the laws which it does make." I think there has long been a growing sentiment in this direction of thought, and that the prevailing sentiment is to-day more solicitous about what shall not be done than about what shall be done. If this presumption is correct it seems to me to be a strong argument against annual legislation by newly chosen men.

For one I very much doubt the practical advantage to the people of this Commonwealth, of that multitude of laws and constant tinkering of the statutes which is more often founded upon the idea that the object of a government is to nurse and take care of people rather than simply to protect them and see that their personal rights and liberties are carefully guarded as they struggle on, each man in his own way and according to his liking, in the practical work of life. It is commonly said that the several hundred acts and resolves of a single year are in the main laws which are needed to promote the public welfare. It would be equally true to say that probably no one public interest would seriously suffer even if every new law were deferred for a single year; and that if two-thirds the laws actually passed had never been enacted, the general prosperity and comfort of the people would be as well promoted. I am not alluding to the general course of legislation through the years when our State was ripening, but simply to the legislation of these later years, in which some of us think the time has come when there may, to the public advantage, be longer intermissions between the periods of legislation. We are not now feeling our way out of a wilderness into an organized community in the process of development. We are not entering upon a new governmental experiment. Our State has become a well-developed State. Though old men pass out and new men come in, though one man's business may be unsuccessful and another's may prosper, though changes occur as they always must in the ebb and flow of life, — our State may be regarded as a commonwealth so tolerably well finished and built up as to really require less legislation than formerly, and new legislation with less frequency. We have been establishing principles, methods, and general legislation for the very purpose of obviating the passage of so many laws, which at very frequent intervals become so contradictory and perplexing that even minds trained to the law ask for a codification of the statutes in order that the laws may be made intelligible. Our public highways are

placed in the responsible keeping of counties, cities, and towns, under circumstances which make it for their interest to render them safe and convenient for travel. We have a general railroad law by which it has ceased to be necessary to apply to the Legislature for anything more regarding the construction of a railroad than to enlist public money in building one which individual enterprise does not consider it safe to invest in to the full amount required; and so far as such applications are now concerned, the legislative sessions cannot well be too far apart. We have a general law by which men in high or low degree can incorporate themselves in enterprises which give employment to their own surplus earnings, and to men who work for wages, besides thus contributing to the general thrift. Our educational appliances are so well settled and fixed that annual legislative supervision of that department has become needless. The fact that nine-tenths of the subjects referred to judiciary committees are discarded upon their face without even a hearing is evidence of the possible dangers that may attend a too frequent meddling with the statutes.

In former times there was a genuine demand for plain, practical legislation to aid in the development of the State. To-day there seems to be a greater multiplicity of demands for legislation to conform to the theories and personal interests of small groups of people. It is said that these groups are entitled to a hearing. All I have to offer in denial of that proposition is that they are not entitled to a hearing every year against the well-settled public judgment, but only with such reasonable frequency as the public judgment may determine. The hearings of to-day are not what they once were, when we were a plainer and simpler people than we are now. Then a man or a set of men could be heard either in person unostentatiously or through the representative, chosen, for his capacity, to state their case in a plain way. To-day a hearing is commonly attended and conducted by counsel, often eminent and costly, under circumstances where corresponding cost is imposed upon the other side. The knot of wealthy men who have taken possession of the most attractive and comfortable part of a town for a summer residence ought not to have the right to renew their hearings year after year, in the effort to be set off into distinct municipalities, in the face of continued defeat; for in that case the question is liable to be settled not upon great principles which conserve the interests of this Commonwealth but upon that tiring-out process in which the greatest power is liable to be the longest purse.

It is said that the Legislature should be in session at least once a

year to grant water acts or to cities and towns which apply for such acts, or to deal with the great sewage problems which the wholesale introduction of adequate water has made prominent. All that the Legislature has ever done in the settlement of sewage problems the past twenty years does not justify the conclusion that anything would have seriously suffered within that period even if the Legislature had assembled not oftener than every other year. And as for the towns which apply for leave to introduce water, not one of them would suffer the least practical inconvenience from a biennial session of the Legislature lasting very nearly one-half the entire year. A town can easily adapt itself to the new legislative conditions without causing itself any practical delay in the introduction of water. No town ever wakes up, in a single year, to the sudden conclusion that it is suffering for a system of water-works. Invariably the subject is discussed, at first informally, and then in town meeting, for a year or two before voting to apply for an act. And after an act is granted it is common for another year or two to pass before anything is done under the act. Taking the experience of all the towns in the State which have introduced water, there has been nothing so precipitous in their action as to reveal any such urgency as could not have been satisfactorily met, even if a single year had been added to the lapse between the legislative sessions.

Mr. Beard, in his remarks, says : —

The sessions of the General Court are long, longer than they need be. This is due to a variety of causes, but largely to the demands of the people for "redress of grievances."

The truth is there are but few real public grievances existing to-day under our Massachusetts popular government. There are questions from time to time coming up as to what it may be expedient to do to promote the public safety and the public interest under changed conditions of production and in the new character of communities; but, as a rule, there is nothing in these demanding a session of the Legislature almost half the time. This word "grievances," as incorporated into the Constitution, is not the product of an established republic resting upon a foundation of settled republican principles. It is a natural product of those colonial times and that political training which came from a period when there was a divided allegiance to a foreign king upon the one hand and that instinct of popular sovereignty which, from the earliest times, was

ingrained in the hearts of our forefathers. The word, as incorporated into our fundamental law, was a product of times when there was clashing between foreign and domestic jurisdictions. It was a word suited to Revolutionary times; and the American Revolution had reached only a little more than the first half of its struggling and then uncertain progress when that Constitution was agreed upon. We have outgrown the word; and the argument, now based so largely upon its use, is not fairly applicable to what has been the every-day history of Massachusetts the past fifty years, and is sentimental rather than well founded in any state of present facts.

QUESTIONS THAT SETTLE THEMSELVES.

I am aware that it will be said that we have had more or less legislation upon labor topics in that right direction which was protective of the weak, — of women and children who work in factories, — and that "grievances" were at the bottom of this legislation. That may be; but I will venture to express a sincere doubt whether, if law had never once been invoked upon any of these subjects, many of the present reformed methods would not have worked their way into public acceptance and recognition by the unwritten laws of mutual self-interest as regulated and changed by new business and industrial conditions. It was not many years ago that long credits, running a full year, were the rule. Then the public agitation of the business world changed it to six months. Then came three months; and now a very large part of the business of the country is conducted upon a cash or a "thirty-days" basis. All this was effected by natural processes without the aid of law; and it is extremely doubtful whether, if legal process had been originally invoked to enforce the change, it would have been so effectually made. The hours of labor in nearly every industrial occupation that admitted of work by candle-light were formerly often thirteen and fourteen, then twelve, and finally ten became the recognized standard. All these changes were well under way by natural adaptation to new conditions before legislation was either invoked or even thought of to make the lessened standards compulsory with corporations, which, perhaps, are slower in making these changes than are individual employers. Law may help, but its influence is overrated. But whether law has helped these things or not, its constant invocation has been, and is to-day, fruitful of evil, both in the bounty which it bestows upon demagogism, and also in that false teaching which encourages large classes of people to look

to government as a nurse for every form of complaint, instead of to their own manhood, self-denial, and self-reliance for success in the practical affairs of life.

ANNUAL ELECTIONS AND SESSIONS AS PUBLIC EDUCATORS.

Mr. Henry Cabot Lodge, in his argument in favor of biennial elections, used these words : —

Arrangements which suited admirably a scattered community of a few hundred thousand in 1780 are often unfit for a dense population of two millions.

Mr. A. W. Beard replies to this by assuming that as much if not more legislation is required, partly because this dense population is “made up of different races, in fact all the nations of the earth, a *large portion of the voters* foreign in birth and education, or *without education.*” Mr. Senator Hoar gives expression to the same idea in a somewhat varied form when he says : —

We have received and welcomed to our citizenship a large body of men, born in other lands, of races to whom for ages government has been known only by its oppressions, and *liberty been known only by its excesses.* Neither they nor their fathers *have had the advantages of the discipline of self-government.* They have shown themselves apt scholars. In the day of our great trial they were not behind those who were born on the soil either in courage or self-sacrifice. But they still desire and need every opportunity which we or our ancestors have ever enjoyed, to train them in all the duties and offices of American citizenship.

Between Mr. Beard and Senator Hoar we have here three propositions : —

(1.) That there enter into our citizenship at the present day, as there never did before, men of foreign birth, many of whom are “without education,” to whose ancestry liberty has “been known only by its excesses,” and who have “never had the advantages and the discipline of self-government.”

(2.) That this particular element in our population, “made up of different races, in fact of all the nations of the earth,” constitutes today “a large portion of the voters.”

(3.) That annual elections and annual sessions of the General Court are “needed” by this class as a means to “train them in all the duties and offices of American citizenship.”

There are different points of view from which these subjects may be regarded. The General Court may, like jury service, or any other form of public service, be a school in the fact that its members, who constitute a very small part of the body politic, may incidentally learn

something which they did not know before. Even a state of war has practical instruction in it. But the legislative department was not devised for the purpose of imparting instruction, but to make such laws as the public interest may require in our practical affairs, and as may be needful to protect men in their right to live and labor, and embark in business and conduct the same, each one according to his own liking so long as he does not so far arrogate to himself the supremacy of his own liberty and freedom that he interferes with the equal liberty and rights of anybody else. The danger of the present time is that our laws may be tinkered to the public prejudice by people who have not learned that real essence and secret of popular self-government which our fathers gradually learned, and unfolded, and incorporated into law.

NEEDING THE OPPORTUNITIES OF OUR ANCESTORS.

Those elements in our present population which Senator Hoar and Mr. Beard allude to, — the latter as constituting “a large portion of the voters,” — have to-day greater opportunities for shaping the laws than they could have received under the rules which the fathers established for themselves. Our ancestors required a two-thirds’ vote to adopt our State Constitution in 1780. In order to guard against the possibility of inflicting upon the body politic legislation that might be controlled by adventurous or irresponsible men, or by men who had not proved their interest and worth by their thrift, they imposed a property qualification upon the voter which was not removed till 1821, and a higher property qualification upon members of the General Court and of the Executive Council, which was not removed till 1840.

I speak of these things simply to show that in the evolutionary process under which our form of government grew to its present estate, the fathers always recognized some form of individual probation as essential to the great interest of the whole and to the permanency of our republican institutions. Between 1840 and the present time the new elements which my friends have described have poured in to swell our population and to make up “a large portion” of our voters. There is now no such probationary process to apply to them as the men who framed this government were willing to impose upon themselves in the public interest. The tendency of this day is to court the favor of the classes who it is admitted need to be educated in American citizenship, by conceding the very foun-

dation principles of American citizenship; and this is done not so much in the spirit which seeks to educate as in that which seeks popular favor in behalf of a party or of personal aspiration within that party.

Opinions I know will differ upon these questions; but for one, I am not struck with the force of the idea that it is an objectionable feature of the biennial movement that it does not afford to the class that "need to be educated in American citizenship" so frequent an opportunity for tinkering our laws as they "desire" to have; and I say this with no prejudice against any class or race of men, but with a full recognition of the fact that we must all live upon terms of equality under the law in this beneficent Government with which we are blessed, but also with a recognition of the possibility that the American citizenship as it has been known for a hundred years may itself become educated into ideas which do not best conserve the essential and vital principles of our government.

THE LAW-MAKING REMEDY OVERDONE.

Massachusetts is not suffering for the lack of legislation. It is to-day a more important question to know just how to execute the laws we have than to pass more laws for the government of the people. The law-making remedy for everything that somebody happens to be dissatisfied with in the common daily intercourse and habits of men has been worked for about all it is worth, and the public, it is very possible, may be ready for longer intervals of rest between the experiments in this particular line.

TAKING OUR BEARINGS.

There are times in the history of men and States when it may be well to pause and take our bearings, and see whether we are not drifting away into too great a disregard of the true popular safeguards which our fathers reared for the popular protection. The foundation of our system of free government is, first, good citizenship, which includes good morals and habits of industry, frugality, and thrift; next, an adequate comprehension of the fact that every one is entitled to the fullest liberty up to the point of not interfering with the equal liberty of other people in the great struggle for a comfortable and happy existence. In the evolution of a popular government there are periods when it may be best that the Legislature shall be chosen and assemble once a year. There are other periods when it

may be generally regarded as better in the public interest that there should be less frequent interference with the established laws. This matter of time—annual or biennial—is but an incidental part of the great system. The man who trains and governs himself in such abstinence as his own good may require, and in good intelligent citizenship, necessarily trains himself into the best qualifications as a legislator. It is not good public policy which seeks to diffuse through the community a constant and wide-spread desire to look to public office either for honor or maintenance. We want all the legislation and all the legislators which the public need for the common practical affairs of plain people ; but we want nothing more ; and all beyond this requirement is a public burden for the benefit of the few.

Theodore C. Bates' Argument in their Favor.

It is said that "this is in no sense a party question," which statement I cheerfully indorse, and trust it may so prove. I recall the fact that many of the most prominent and influential leaders of the Democratic party in this State are in favor of the proposed change in our Constitution, such gentlemen as Hon. Jonas French, who was for several years Chairman of the Democratic State Central Committee; J. W. Coveney, Esq., Secretary of that Committee, Hon. James Estabrook, Chairman of the Executive Committee of the same committee, Col. Noah A. Plympton, recently Chairman of the Democratic State Central Committee, Hon. S. N. Aldrich, President of the Massachusetts Central Railroad, and many others which I will not here enumerate.

On the petitions to the Legislature filed from Worcester county may be found the names of many of the prominent men in nearly every town without regard to their party affiliations, and I hope our zealous opponents may not attempt to fortify their own position by making it appear that there is any occasion to raise such an issue, for in no other State has it ever been so treated or regarded. In all the States overwhelmingly Democratic the system has been adopted; and the same is true of all of our Republican States, if I may so use such expressions, except Rhode Island, and it is wrong to attempt now to make its consideration in this State a "party question" in any sense of the word.

The people of Massachusetts believe in the right of the majority to rule and make our laws, and indorse the opinion expressed by Gen. Grant, that, "in a Republican form of government, where this divine right is recognized and exercised, no great abuse or wrong, even though sanctioned by law, would be long tolerated by the people, because the remedy was in their own power, to be applied as soon as they recognized the evil of the law and desired its modification or repeal."

But our opponents on the question of biennial elections, many of whom are among the foremost men of the land to demand that the will and right of majorities to rule shall be respected and guarded in some other States, seem to forget that the people of Massachusetts have long been seeking for an opportunity to express their views on this question of biennial elections by their own direct vote at the ballot-box.

By the terms of our State Constitution the people cannot have the opportunity to give formal expression to their opinion, by their votes, until two consecutive Legislatures shall have passed judgment upon the proposed change in accordance with the provisions of said Constitution, which provisions require a two-thirds' vote of the House of Representatives (two to one) and a majority of the Senators for two consecutive Legislatures. This safeguard is a wise and beneficent one, intended to prevent the adoption of any hasty and unwise changes in our Constitution. But in many cases, as in this one of biennial elections, it sometimes prevents for a long time the consummation of the will of the people.

The desire for biennial elections has been expressed by the people of this State many times and in a most unmistakable manner during the past few years.

For six years the people's representatives in the Legislature, by overwhelming majorities, have passed the proposed amendment, and three times they have done so by the requisite two-thirds' (2 to 1) vote. — and yet by the combined action of a comparatively few men the people have been denied the opportunity to vote on the question themselves. Should not the majority rule here as well as in other States? Ought not the people of Massachusetts to have a chance to vote on this important question that so much concerns them? Are the opponents of biennial elections afraid to let the voters of Massachusetts speak for themselves on this subject? By enormous majorities for six years, speaking through their representatives in the Legislature, they have asked to be allowed to vote direct on this matter. Petitions bearing thousands of names are filed annually, and there is no doubt of what their verdict would be if they were allowed to give expression to their own views by their ballots. And it certainly seems to some of us as though our opponents were afraid to trust the intelligent voters of Massachusetts in a matter in which they take so deep interest as they have, through their representatives, so persistently shown in the last six Legislatures.

Of the thirty-eight States in the Union only one other, Rhode Island, maintains the custom of annually electing their legislature and State officers. Ought not this fact alone to have some influence upon those gentlemen who oppose this contemplated change here in Massachusetts?

Is it of no account to them that thirty-six of the thirty-eight States elect their State officers every two, three, or four years?

Is it to be claimed that we here in Massachusetts are wiser than

the people of all the other States (except little Rhode Island)? Are we to ignore the fact that Maine, New Hampshire, Vermont, Connecticut, New York, Pennsylvania, Ohio, and all the other States in the Union (except Rhode Island) have adopted the biennial system, and are satisfied with the result? I am speaking now only of biennial elections, as that is all we are to-day asked to consider in this discussion, although in passing we might say that in addition to biennial elections thirty-three of the thirty-six States have also adopted biennial sessions of their Legislatures.

It cannot be claimed that all these other States are wrong in this respect; and yet it would seem that our opponents must think so. If we go back fifteen years, or within the memory of the youngest member of an in-coming Legislature, we shall find that only seventeen States in the Union were continuing the system of annual elections. When Gov. Talbot urged this change in 1879, here in Massachusetts, the number has been reduced to nine out of the thirty-eight States; and since then it has been adopted by seven other States, so that now Massachusetts stands almost alone, only Rhode Island holding out against this popular change. Have all these facts no bearing? and do they exert no influence upon us?

Our opponents say annual elections are necessary or desirable as an educational influence. If this is so, are not those thirty-six States that have abandoned the old system of annual elections and consented to the most liberal expenditure of public funds in their system of free schools, free public libraries, and many other educational institutions, to be pitied, and earnestly appealed to to come back and stay with us? Ought not the mirror of our superior intelligence and education be held up to them to show them their own ignorance and great lack of educational facilities or opportunities?

If this is true, why do not the people of New York, Ohio, Michigan, Iowa, and Kansas change their State constitution? How blind they must be to their own true interests, and how needful they are of some missionary workers from Massachusetts.

Is our press all wrong here in Massachusetts? going on year after year advocating this change in our Constitution almost unanimously? They have been free to criticise the system as it has developed its advantages or its disadvantages, from year to year, in the other States; and if the system as adopted in the thirty-six of our thirty-eight States was against the best interests of the people, would not their keen powers of observation have long ere this detected the weak points of biennial elections and held them up to view before our

people? And yet our opponents will not admit that the fact that almost every newspaper in Massachusetts favors this proposed change to biennial elections should have any influence with them: Are these able, public-spirited newspaper writers so indifferent to our educational interests and necessities as their course in this matter would seem to imply, if the theory of the opponent is correct? Is it to be claimed that we have in Massachusetts need of so much more legislation than the people of other States in the Union? Suppose, for the sake of argument, we do so admit. Then I would ask these same gentlemen, if we are to have annual sessions of our Legislature, if they will not admit that the members of any Legislature are better qualified for the duties of their office and if they do not make better legislators, in view of their experiences and observations, the second session than the first? If errors are made in legislation this year, are not the same men who framed and made the undesirable laws the best men to reconsider their work at their second session? Senator Edmunds of Vermont claims that the biennial-election system in that State is not a success or desirable; that Senator Hawley of Connecticut is of the same opinion as regards his State. If such influential men are of this opinion, why do they find no followers in their respective States; — why does not Vermont reconsider her action and return to the old system of annual elections? My answer would be because the intelligent people of Vermont know just as well as their honored senator about the practical workings of the biennial-election system and are determined to stand by what has proved so beneficent and satisfactory to the great mass of her people, notwithstanding the opposition of a few lawyers and politicians, even though they be as lenient as Senator Edmunds and Gen. Hawley. If this proposed system is so undesirable as our few opponents claim, why has no one of the thirty-six States of the Union reconsidered its action, and gone back to the old system of annual elections? If so bad, surely some one State would have regretted the sad experience and returned to the old system. And yet strange as it may appear not one has repented of its work and returned to its former ways. Not one; but on the contrary, one by one all have fallen in line, except Massachusetts and Rhode Island.

I believe that the people are desirous of an opportunity to vote on this question direct. It has been said by some of those who have been discussing this matter that it was a matter of conscience, — that each individual member of the Legislature was to vote according to his own convictions and conscience. I believe, gentlemen, this has

been done for six consecutive years up to the present year; but I believe an effort has been made this year, unlike anything ever before attempted, to warp that judgment. In the pamphlet published, as I believe, for effect on the members of the house, the first letter is from a citizen of another State, from the Hon. James G. Blaine, of Maine, — a man whom many of us believe in, and look upon him as the great leader, perhaps, of the Republican party of the nation. His advanced ideas in many respects we most cordially indorse; but, as in the case of our own honored senators and representatives, we are not obliged to follow his lead. Is it not known that the influence of Senator Blaine in the State of Maine — or representative, as he then was when this was passed — was very great indeed? Yet, what did the people of Maine say when this question was submitted to them? Ninety-two per cent. declared in favor of biennial elections. I believe the vote would be nearly as strong in Massachusetts if it should ever reach the people.

I should like to refer to some of the arguments of these parties as they have set them forth in their speeches. They preface their whole work by a maxim that “where annual elections end, there slavery begins.” I cannot conceive of anything more absurd than to apply this theory or doctrine to the present day. Would they claim that slavery exists to-day in the State of Iowa, in Kansas, in Ohio, in New York, in Maine, and in Vermont? Is there any sound sense in any such declaration as that?

It may be that in the days of the Adamses and of Quincy their views would have prevailed against what will be said to-day; but new times demand new measures and new men. In their day you could not have daily papers, with hundreds of thousands of copies reaching every town and hamlet in your Commonwealth, bringing the news daily from Europe and Asia before you on your breakfast-table. They have been great educators. In those days you did not have your free public library, your public schools, your high schools; your educating forces were not equal to nor comparable with those of to-day. All these things should be taken into consideration. Your town halls and your city councils are the scenes of legislative debate almost equal to that which may have been in the State-House in the early days of the Commonwealth. Have not thirty-six of the thirty-eight States adopted this after much consideration and discussion? and has one single one reversed its action, or does it contemplate doing so? We have no knowledge of any such thing.

It may be a strong word to use, but it seems to me cowardice that

these gentlemen who profess so much for the people are so timid about leaving the matter with the great intelligent public that we hear so much about. I have faith in the republic. I have faith in the mass of the people. It is because I am a Republican, because I am sufficiently a Democrat to trust the people, that I would keep up this discussion until they shall have a chance to vote upon it themselves and not take the wish, will, or authority of any dictator or would-be leader upon this matter. [Applause.] We have not had the reading and writing clause in our Constitution for thirty years as an essential for voting without meaning something. It has had its effect. Our people are just as capable of acting upon this matter as these volunteer advisers. The will of the people has been for six consecutive years overwhelmingly for this change. Then let them speak for themselves once, instead of through their representatives and senators. Give them this opportunity. Judge Thayer says it seems incredible that any sane man can seriously advocate biennial sessions. Is it a proper thing for a gentleman in his dignified, judicial position to assert that those who disagree with him must be insane? The argument is perfectly ridiculous, and was not meant, of course. I believe the great mass are just as prepared to give expression to their views as these gentlemen who have spoken for them.

In behalf of the citizens of this Commonwealth, without regard to party, I appeal to all who have opposed the proposed amendment to let it pass the Legislature again this winter by the requisite two-thirds' vote, and then let the people have an opportunity to pass upon it at the polls, relying upon the intelligence and wisdom of the voters of Massachusetts to settle for themselves this matter so dearly concerning their own welfare and true interests.

OPINIONS

OF

Representative Officials and Citizens of Other States.

Extract from Argument of Edward H. Haskell, before Committee on Election Laws, Jan. 31, 1884.

At the time this measure was before the Legislature, in 1880, with a view of ascertaining to what extent the biennial system had proved a success or a failure, the assistant librarian of the State, Mr. Tillinghast, addressed a communication to the governors of the various States, asking them to submit, for the benefit of our Legislature, which was then discussing its adoption, their own views, not only as to whether legislation had been materially reduced, and the general legislative expenses as well, but, also, as to whether better legislation had been secured, and, farther, as to the present sentiment of their people toward the system. It is my desire, briefly, to present some quotations from their replies to this communication, believing that such information, from such high sources, will prove of great value in assisting not only your committee but the Legislature also, in arriving at an intelligent and comprehensive understanding of the merits of this measure.

I quote first from Governor Marshall Jewell, of Connecticut:—

We all agree in liking our change, so far as regards two years' terms for our executive officers. Up to last fall we were also agreed as to biennial sessions. It had passed two legislatures, but, unfortunately, it came to be made a party matter, and through certain combinations it was defeated. I still favor it. I believe a majority of the people of the State are for it, and I believe that at no distant day our State will take it up and pass it. This is the temper of the people as I see it. The sentiment in favor of less legislation is on the increase.¹

¹ The people of Connecticut, at their election, last fall, adopted, by a large majority, the system of biennial sessions, in addition to their system of biennial elections.

From the Secretary of State of Delaware I quote : —

The biennial system was established in 1883. The amount of legislation is very much less, and, as a matter of economy, the change has been successful. In short, we are altogether satisfied with the system, and would not return to the annual.

From Governor St. John, of Kansas, I quote : —

The biennial system took effect here in 1877. It has had the practical effect of greatly reducing the amount of legislation. No more bills are introduced now, in proportion to our population, than were introduced under the old system of annual sessions. It has reduced the expenses of legislation at least one-half, for the sessions are now no longer than before, and cost no more. Its workings have been very satisfactory to our people and there has been no effort made whatever to return to the annual system. *In my judgment*, it would be better to have a session once in three or four years, rather than to have sessions oftener than once in two years.

From the Governor of Illinois, I quote : —

The system of biennial sessions has prevailed in this State from the beginning, and gives *entire satisfaction*, and there is no thought of changing it.

From Governor Jarvis, of North Carolina, I quote : —

We have always had the biennial system, except from 1868 to 1874, during which time we were under the Canby constitution, and had annual sessions. (This was one of the reconstruction measures of the government under General Canby, provisional governor.) This annual session was one of the innovations fixed upon us, but we got clear of it as soon as we could. These annual sessions also greatly increased our expenses. No man in this State is foolish enough, now, to advocate annual sessions.

From Governor Pitkin, of Colorado, I quote : —

Thus far the system has seemed to work well, and to meet with universal approval. There were, I believe, no objections to its adoption, and there has certainly been no effort to change it.

From the Governor of Oregon I quote : —

This State adopted the system when it became a State, as provided in the constitution. The result has been to confine legislation to those matters in which the whole State is interested, to the exclusion of special legislation. So far as expense is concerned, estimating our expenses at \$50,000 each year, we have saved, from that source alone, \$1,000,000, as compared with annual sessions. The people of the State are fully content with the biennial system, and, I think, would almost unanimously vote down a proposition to change to the annual. It would appear to me that the legislation of Massachusetts is so far advanced that a biennial session would meet all the demands of an economical and simple administration of affairs of the State.

From Governor Gear, of Iowa, I quote : —

Iowa has always had the biennial system. The expenses saved is \$100,000 per year. In other words, annual elections cost twice as much as biennial. After 37 years' residence in Iowa, and many years' experience in the General Assembly, I can see *no objection* whatever to the biennial system; but, on the other hand, *everything* in its favor.

From Governor Hamilton, of Maryland, I quote : —

The biennial system was adopted in 1847. Have nothing definite as to the reduction of legislation. The system has saved the expense of an annual session. Its adoption was not strongly opposed, and all objections to the operation of the system are now removed. In my opinion, there are no substantial objections to the biennial system.

From Governor Marks, of Tennessee, I quote : —

This State has always had the biennial system. Our sessions are limited to 75 days, and, consequently only necessary legislation is had. There is great saving of legislative expense. We have no thought of adopting the annual system. The threefold objections to the annual system are: 1st, Too much legislation. 2d, No law has a chance to show its merits; 3d, Extravagance.

From Governor Drew, of Florida, I quote : —

Since its adoption in 1875 the amount of legislation has been reduced fully *60 per cent.* The legislative expenses have been also reduced *more than one-half*, and, in fact, its working has been perfectly satisfactory.

From Governor Stone, of Tennessee, I quote : —

The biennial system was adopted in 1878, and, as the time has been so short, I cannot tell to what extent there has been a reduction in the amount of legislation. I think from \$50,000 to \$60,000 is saved annually in the expense. In its adoption it was not opposed by any particular class, but, it being a Democratic measure, it was opposed by many Republicans on that account. There has been no desire to return to the annual system, and, I think, it works admirably in every particular.

From Governor Roberts, of Texas, I quote : —

The great advantage of the system, apart from the savings of the expense, is, that it gives time for laws to be tried before they are repealed, and also tends to prevent excessive legislation. In fact, when we get to be 25 years older, my opinion is that a session once in four years would be even better, as it would increase the care with which changes would be made in a system of State laws, when once well established, and prevent hasty and inconsiderate legislation.

From Governor Cobb, of Alabama, I quote : —

Our legislature met biennially from 1847 to 1865, after which sessions were held annually till 1876. (This was during the government of the State under the reconstruction policy of our government.) After 1876 the *biennial* system

was again adopted. The reduction of legislation is about one-half, each biennial session doing about as much as had been done at each annual session, and it has proved a measure of economy in about the same proportion. The last change was made without opposition, and I can conceive of no good reason for more frequent meetings.

From the Governor of Nevada I quote : —

The biennial system was adopted at the organization of the State government. The results are a saving of at least one-half in volume of legislation and in reducing expenses one-half. There is no desire here to adopt the annual system, (especially as the governor has power to convene the Legislature in case of emergency.)

From Governor Pillsbury, of Minnesota, I quote : —

The biennial system was adopted in 1878, and the first biennial session was held in 1870. As to the practical effect in the reduction of legislation, I am sure the result will be most satisfactory, and greatly in favor of the system. As a measure of economy, the saving the first year will reach \$150,000. I do not know of a single objection to the system, but, on the contrary, believe this system is a wise and good one, and that the people of this State will never return to annual elections.

More recent correspondence has only added to the general testimony in behalf of the biennial system, as will appear from the statements which follow : —

From Governor Hale, of New Hampshire, I quote : —

The biennial system was adopted in 1878. Comparing the legislative period of six years since the adoption with the six years preceding its adoption, we find the result to be in favor of the biennial system. No special sessions have been necessary, and the change has been in the interests of economy to the extent of \$90,000. There has been no effort made whatever to return to the annual system. If there is any objection to the biennial system, it is, that under it, elections and legislative sessions occur too frequently.

From Governor Crittenden, of Missouri, I quote : —

Our State adopted the biennial system in 1875, and the reduction in amount of legislature has been large and judicious, and it has proved a measure of economy to the extent of at least 75 per cent. No efforts have been made to return to the annual system.

From Governor Grant, of Colorado, I quote : —

Practically no objections have been urged against the biennial sessions. I think it is safe to say that there are less than one hundred intelligent men in the State who would favor annual sessions. We have all the legislature that we need, and I consider that Colorado is far in advance of many of the older States in the management of their public affairs.

From Governor Stoneman, of California, I quote : —

Our State has always had the biennial system, and there has never been any effort, nor any desire that I am aware of, to have the annual system. Indeed, our people seem to desire as few sessions of the Legislature as possible. They always regret to see the Legislature convened, and are rejoiced when it adjourns. In a State whose laws and judicial system is so well established and understood, I can see no reason for the necessity of annual sessions.)

From Governor Sherman, of Iowa, I quote : —

The people have been so well satisfied with the biennial system that there has never been any serious effort to adopt the annual system. No such proposition is now made, or likely to be, and, in my opinion, would not receive public favor if advanced. The experience of this State strongly favors the biennial system, and I do not know any argument drawn from the history of Iowa that tends to prove more frequent sessions desirable.

From Governor Porter, of Indiana, I quote : —

The biennial system was adopted in 1851, and has had the effect to reduce very much the amount of legislation. It has also proved to be an important measure of economy, reducing legislative expenses, I would say, one-third. Its working has been such as to remove any objection that existed against it, and there is no purpose to return to the annual system.

From Governor McEnery, of Louisiana, I quote : —

The biennial system was adopted in this State in 1879. Our constitution limits the session of the Legislature to sixty days, and this seems to be sufficient time for all needful legislation. It has proved economical to the extent of saving expense of one session every other year, say \$75,000. Besides this, it has been productive of good results in checking excessive legislation, and in the prevention of measures that disorganize society, and disturb values.

It has proved a success here, to the extent of removing all objections to its adoption, and there has been no effort made to return to the annual system. Only one objection has been urged against it, to wit : That senators and representatives are too far removed from the people, and that annual sessions created a more direct responsibility to their constituencies, but this is more than compensated by the less frequency of elections, as the members of our General Assembly are elected at the same time as State officers, for four years, and by the saving of expenses of annual sessions. The system works well in this State, and has met with popular favor.

From Governor Glick, of Kansas, I quote : —

Its workings have been entirely satisfactory to the people. No more legislation is had than at an annual session. It has saved the expense of one session of the Legislature every two years, without any detriment to the interests of the State. There is no desire to return to the annual system, and such a proposition would be voted down by a very large majority in this State.

From Governor Lowry, of Mississippi, I quote : —

Our State adopted the biennial system in 1877. The result has been the reduction of at least one-half of the amount of legislation, and its working has been such as to entirely remove the objections that were urged against its adoption, and no effort has been made to return to the annual system. I do not know of any objection to biennial system.

From Governor Hubbard, of Minnesota, I quote : —

The biennial system was adopted in 1879. I think the aggregate of legislation is reduced from one-third to two-fifths by biennial sessions, and its adoption represents very nearly a saving of \$120,000 every two years. I think many objectors now admit that their fears have not been confirmed. There has been no effort to return to the annual system. I know of no objection to the biennial system.

From Governor Pattison, of Pennsylvania, I quote : —

Legislation has been reduced about four-fifths since the adoption of our new constitution, which provides for biennial sessions, and prohibits special or local legislation.

To a great extent it has proved a measure of economy. The necessity for its adoption has been so felt by our people, that it was almost unanimously demanded, and no suggestion has been made to abolish the system.

From Governor Hoadley, of Ohio, I quote : —

The biennial system of elections with us is not perfect. A mistake was made in 1851 in omitting the election in the odd-numbered years, and not having all our State elections at the time representatives to Congress are elected, as is done in Indiana, but we elect our governor, Legislature, and part of our State officers on odd-numbered years, and other members of State ticket on even-numbered years. My own impression is that the biennial system is preferable to the annual systems, and the working of our imperfect system has strengthened this view.

Our elections are too frequent, and the contrast between our State and Indiana is against us.

From Governor Jackson, of West Virginia, I quote : —

Our first constitution, adopted in 1863, provided for annual sessions. The biennial system was adopted in 1872. The practical effect has been the reduction in the amount of legislation to nearly one-half. When the Legislature met annually, laws were often amended, and sometimes repealed, before it was ascertained whether they were beneficial or otherwise. They were not permitted to be in force a sufficient length of time to test their merits; in other words, there was too much legislative tinkering. The volume of biennial sessions contains no more acts than were formerly in the annual volume.

Our people were of opinion that it was in the interest of economy to adopt the biennial system.

No effort has been made to return to the annual system, and any attempt in that direction would, in my opinion, be promptly defeated.

I quote next from Governor Robie : —

The effect of the change of our annual elections and sessions of the Legislature to biennial has in many respects been salutary. The time that was spent in the yearly canvass of voters and political conventions gives the opportunity for a more profitable employment in other directions. It is quite refreshing to have an entire year free from political excitement and the usual scramble for office. I cannot see that there is any need for an annual Legislature for the purpose of making new public laws. We have had the opportunity and experience of so many years of legislation that it would seem that our laws ought to be allowed to remain at least two years without addition, change, or repeal.

I quote next from ex-Governor Dingley, who has given a great deal of attention to this new question, and whose opinion is entitled to great weight : —

WASHINGTON, Jan. 29, 1886.

The Hon. E. H. Haskell : —

MY DEAR SIR, — I am in receipt of yours of the 26th, inquiring as to whether, in my judgment, the change in the constitution of Maine from annual to biennial elections and sessions of the Legislature, several years ago, has resulted satisfactorily to the great body of the people of Maine, — especially to the large majority who at the time supported the amendment.

In reply I have to say that, so far as I know and believe, it has. The fact that no member of the Legislature has, since the change, even proposed to submit an amendment looking to a return to the old system; that no citizens have petitioned the Legislature for such a re-submission, and that no public meeting has resolved in that direction, would seem to indicate that the people generally approve of the biennial system. Those who opposed the change at the time it was made argued that biennial elections would remove the representative from his constituents and tend to weaken the interest of the people in public affairs and diminish their watchfulness over their public servants. I am sure that no such result has followed in Maine. Biennial elections are frequent, and practically secure all the interest and watchfulness in these directions of more frequent elections. I can see no more reason for the election of a governor and State legislators annually, on the grounds indicated, than for the annual election of representatives to Congress.

The great objection in my mind to annual State elections is that they keep the people stirred up in political campaigns too large a proportion of the time. With annual elections nearly one-fourth of each year is in a large measure given up to the preliminary canvassing and nomination of candidates and campaign work, with the large expenditure of time and money incident to the same. So far as I have observed, the relief afforded by an absence of these distractions in alternate years, has proved grateful to the great body of the people of Maine, and has not detracted in any way from the interest of the people in public affairs. On the contrary, it has resulted in enhancing the interest in the biennial elections, and has brought out a fuller vote.

I had some doubts, at first, as to the wisdom of biennial sessions of the Legislature; but experience has removed all my doubts. There is something in the

suggestion that annual sessions of the Legislature are worth all they cost in an educational and social point of view. Very likely still more frequent intermingling of representative men from all parts of a State would be a good thing. But all this can be attained by voluntary gatherings. The sole object to be considered in providing for sessions of a legislative body is that of enacting laws and electing and installing officers of state. Our experience in Maine has shown that biennial sessions of the Legislature fully meet the public wants in this direction, and, what is by no means to be left out of sight, at a large saving of expense.

It is my belief that, if the question should be re-submitted to the people of Maine, the verdict of our people would be more than three to one in favor of biennial elections and biennial sessions of the Legislature.

I am, very truly, your obedient servant,

NELSON DINGLEY, JR.

I quote next from Senator Frye : —

I favor the biennial system because it saves us from a constant political struggle. I have heard no serious fault found in Maine at the way the system has worked, and see no evidence of any general desire to return to the old plan of annual elections and yearly sessions of the Legislature. Personally, and on public grounds, I feel that it is better to have a rest between elections, instead of having one campaign follow the preceding with hardly an intermission, as we used to have it.

I quote next from Colonel Fred N. Dow, who succeeded Mr. Blaine as Chairman of the Republican State Committee of Maine : —

PORTLAND, Feb. 2, 1886.

The Hon. E. H. Haskell : —

MY DEAR SIR, — I have the honor to acknowledge the receipt of your inquiries as to my opinion of the effect of biennial elections in this State.

The elections in Maine, since the adoption of the biennial system, have been held under circumstances so unusual in the political history of the State that no opinion can be based upon them as to the effect of the change upon popular interest in elections. Some of our ablest men anticipate danger from the new method. But I am certain that no considerable portion of our people share in this distrust, or desire a return to annual elections. And this satisfaction with the new system in a State which was never "ring-bound," and could never tolerate "bossism" in any form, may be safely set off against the fear on the part of those distinguished gentlemen that biennial elections will result in a decadence of popular interest in public affairs, and a corresponding increase of influence and power on the part of untrustworthy politicians.

It is true that great injury to the interests of the people results from the small modicum of time devoted by the masses to matters of public concern. But I do not believe that the public weal is in any way threatened by the abandonment of annual elections. Danger lies in other directions. Our elections are practically but the formal ratification of primary action, the great mass of voters dividing between candidates selected for them in caucuses and conventions, with which

they actually have but little to do. The so-called "independent" voter at times influences the result; but he is compelled to choose between what he is fain to call the "doses" prepared for him in the "regular" ticket of one or the other of the two great parties. But, where he is enabled to defeat one bad candidate, a dozen good men, through the inattention of the people to practical politics, go down in the primaries or at the polls, before the assaults of individuals or corporations, whose selfish purposes will be promoted thereby.

Legislation which shall throw about political primaries, particularly in our cities and large towns, the formalities and safeguards of law, and educating influences, creating a public sentiment, which shall commend, rather than condemn, attention to the details of primary action, are our present great political need. In this State, through the desire to save expense in time and money, much of the safety against hasty and improvident legislation, derived from the division of the Legislature into two independent branches is lost, through a too extensive system of "joint" committees. And, though in spite of this the intelligence and integrity of our legislators has preserved the State from serious harm, the time and money necessary to secure the full benefit of the scheme of two entirely independent legislative bodies, devised by the fathers of constitutional government, would be well expended. And this, certainly, can be more easily obtained under a biennial, than an annual, system.

Very truly, yours,

FRED. N. DOW.

This covers the opinions of most of the chief executives, or their representatives, and of representative citizens of the States which have adopted this system, and the high character of these gentlemen entitles their opinions at this time to the greatest weight, without any added word of mine, and to your candid consideration, as well as to the Legislature you represent, I submit them, with a supplementary statement, that it has been my fortune to meet with many prominent gentlemen from the different States, many of them in active business life, many in public positions, and in professional pursuits, and their opinions as to the beneficial results of the adoption of the biennial system fully bear out the statements already quoted.

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